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Thursday
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Highlights

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

20402 **Emission Standards** EPA issues rules for new exhaust and evaporative emission standards which are voluntary for 1981 model year light-duty vehicles and trucks; effective 4–28–80 (Part II of this issue)

20157 **Air Quality Models** EPA issues notice summarizing current activities and future plans regarding guidance and conferences; letters of intent to provide models by 5–27–80

20103 **Motor Vehicle Safety** DOT/NHTSA deletes occupant crash protection requirement for certain emergency-locking or automatic-locking seat belt retractors

20412 **Pipeline Safety Enforcement** DOT/RSPA issues regulations prescribing procedures; effective 3–27–80 (Part III of this issue)

20154 **Canadian Crude Oil Allocation Program** DOE/ERA amends supplemental allocation notice for March 1980; appeals by 4–28–80

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Highlights

20109 **Bulk Electric Power Supply and Actions** DOE/ERA issues proposed rules regarding reporting requirements; comments by 4–30–80, requests for hearings by 4–21–80

20420 **Completely Denatured Alcohol** Treasury/ATF requests comments on temporary rule for new and revised formulas, and authorizes use of automotive gasoline as denaturant; effective 3–27–80, comments by 5–27–80 (Part IV of this issue) (2 documents)

20132 **Aid to Families With Dependent Children** HEW/SSA plans to develop rules regarding assistance payments when one or more dependent children receive supplemental security income benefits

20074 **Social Security** HEW/SSA restates rules on kinds of work and earnings included or excluded for purposes of coverage; effective 3–27–80

20117 **Social Security** HEW/SSA plans to issue proposed rules regarding payments of benefits to young husbands and surviving divorced fathers

20053 **Short Term Loans** SBA issues new form for guaranty fees payable for certain loans; effective 3–27–80

20096 **Controlled Substances** Justice/DEA issues order including moneys and other assets in definition of property; effective 3–27–80

20106 **Commuter Rail Service** ICC amends standards for continuation subsidies; effective 8–15–78

20123 **Federal Crime Insurance Program** FEMA proposes to amend rules; comments by 5–27–80

20071 **Export Licenses for U.S.S.R.** Commerce/ITA issues interpretation of Technical Data regulations to assure understanding of limits of general licenses; effective 3–24–80

20265 **Three Mile Island** NRC announces availability of Environmental Assessment for decontamination of Unit 2 Reactor Building atmosphere

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Regulation 485, Amdt. 1; Navel Orange Regulation 486]

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period March 28-April 3, 1980, and increases the quantity of such oranges that may be so shipped during the period March 21–27, 1980. Such action is needed to provide for orderly marketing of fresh navel oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: This regulation becomes effective March 28, 1980, and the amendment is effective for the period March 21–27, 1980.

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

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

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

The committee met again publicy on March 25, 1980, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navel oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for navel oranges is similar to last week.

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

§ 907.786 Navel Orange Regulation 486.

Order. (a) The quantities of navel oranges grown in Arizona and California which may be handled during the period March 28, 1980, through April 3, 1980, are established as follows:

(1) District 1: 1,500,000 cartons;
(2) District 2: Unlimited cartons;
(3) District 3: Unlimited cartons;
(4) District 4: Unlimited cartons.

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

Paragraph (a) in § 907.785 Navel Orange Regulation 485 (45 FR 17943), is hereby amended to read:

§ 907.785 Navel Orange Regulation 485.

* * * * *

(a) * * *
(1) District 1: 1,592,000 cartons;
(2) District 2: 158,000 cartons;
(3) District 3: Unlimited cartons;
(4) District 4: Unlimited cartons.

* * * * *

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

Dated: March 26, 1980.

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

[FR Doc. 80-9617 Filed 3-26-80; 11:53 am]
BILLING CODE 3410-02-M

7 CFR Part 908

[Valencia Orange Regulation 638]

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period March 28-April 3, 1980. Such action is needed to provide for orderly marketing of fresh Valencia oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: March 28, 1980.

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

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

This action is consistent with the marketing policy for 1979–80 which was designated significant under the procedures of Executive Order 12044.

The marketing policy was recommended by the committee following discussion at a public meeting on January 22, 1980. A final impact analysis on the marketing policy is available from Malvin E. McGaha, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on March 25, 1980 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of Valencia oranges deemed advisable to be handled during the specified week. The committee reports the demand for Valencia oranges is normal.

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

§ 908.938 Valencia Orange Regulation 638.

Order. (a) The quantities of Valencia oranges grown in Arizona and California which may be handled during the period March 28, 1980 through April 3, 1980, are established as follows:

(1) District 1: Unlimited cartons;

(2) District 2: Unlimited cartons;

(3) District 3: 165,000 cartons.

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

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

Dated: March 26, 1980.

D. S. Kuryloski,

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

[FR Doc. 80-9618 Filed 3-26-80; 11:54 am]

BILLING CODE 3410-02-M

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7 CFR Part 904

[Docket No. AO-385]

Grapefruit Grown in a Designated Area in California; Order Regulating Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This order enacts a Federal marketing order regulating the handling of fresh grapefruit grown in southeastern California. Growers approved the marketing order in a referendum held October 9–19, 1979. The marketing order establishes a committee for local administration comprised of four producers, four handers, and one public representative. It provides for grade, quality, size, and maturity requirements for fresh grapefruit, based upon committee recommendations. It also authorizes the committee to engage in production and marketing research and in promotional activities designed to enhance distribution and consumption of grapefruit. Consumers should benefit from an improved product and producers by an expanded market.

EFFECTIVE DATE: April 28, 1980.

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

SUPPLEMENTARY INFORMATION: Prior actions in this proceeding: Notice of Hearing issued February 1, 1979, and published February 7, 1979, in the **Federal Register** (44 FR 7729). Public hearing on proposed marketing agreement and order held March 8–9, 1979, at Coachella, California. Recommended Decision issued July 2, 1979, and published July 6, 1979, in the **Federal Register** (44 FR 39413). Decison and Referendum Order issued September 4, 1979, and published September 7, 1979, in the **Federal Register** (44 FR 52219).

This rule has been reviewed under the USDA criteria for implementing Executive Order 12044, and has been classified "significant." An Impact Analysis is available from Malvin E. McGaha, Chief, Fruit Branch, Fruit and Vegetable Division, AMS, USDA, Washington, DC 20250, Telephone: 202–447–5975.

Findings and Determinations

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*) and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order, regulating the handling of grapefruit grown in a designated area in California.

Upon the basis of the record, it is found that:

(1) The order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The order regulates the handling of grapefruit grown in the production area in the same manner as, and is applicable only to persons in the respective classes of commercial and industrial activity specified in, the marketing order upon which a hearing has been held;

(3) The order is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of grapefruit grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of grapefruit grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping grapefruit covered by this order) of more than 80 percent of the volume of the California produced grapefruit covered by this order refused or failed to sign the proposed marketing agreement regulating the handling of grapefruit grown in the production area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign the proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order is the only practical means pursuant to the declared policy of the act of advancing the interests of the producers of grapefruit grown in the production area;

(3) The issuance of this order is favored or approved by at least three-fourths of the producers who participated in a referendum on the question of its approval and who, during the period September 1, 1978, through August 31, 1979 (which has been deemed to be a representative period), have been engaged within the designated area in California in the production of grapefruit for market, such producers having also produced for market at least two-thirds of the volume of such commodity represented in the referendum.

Order Relative to Handling

It is therefore ordered, That on an after the effective date hereof, the handling of grapefruit grown in a designated area in California shall be in conformity to an in compliance with the following terms and conditons:

Therefore, Title 7 of the CFR is amended by adding a new Part 904 to read as follows:

PART 904—GRAPEFRUIT GROWN IN A DESIGNATED AREA IN CALIFORNIA

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Authority: §§ 904.0 to 904.58, inclusive, issued under Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

Definitions

§ 904.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated.

§ 904.2 Act.

"Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601–674).

§ 904.3 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 904.4 Grapefruit.

"Grapefruit" means all varieties of Citrus paradisi, MacFayden, grown in the production area.

§ 904.5 Production area.

"Production area" means the following counties or their segments in the State of California described as follows: Imperial County; that part of San Bernardino County situated east of a line due north and south through Rice; that part of Riverside County situated east of a line due north and south through the Post Office in Whitewater; and that part of San Diego County situated east of a line due north and south through the Post Office in Julian.

§ 904.7 Producer.

"Producer" is synonymous with grower and means any person engaged in a proprietary capacity in the production of grapefruit.

§ 904.8 Handler.

"Handler" means any person (except a common or contract carrier of grapefruit owned by another person) who handles grapefruit in fresh form.

§ 904.9 Handle.

"Handle" means to sell, ship, consign, deliver, or transport grapefruit or cause grapefruit to be sold, shipped, consigned, delivered, or transported between the production area and any point outside thereof, or within the production area: *Provided,* That the term handle shall not include (a) the transporting or shipping of grapefruit by common carrier when such grapefruit is owned by another person; (b) the sale of grapefruit on tree; (c) the transporting of grapefruit from the point of production to a packinghouse within the production area for preparation for fresh market; or (d) the transporting of grapefruit from the point of production to a packinghouse outside the production area for preparation for fresh market under a special handling permit issued pursuant to § 904.45.

§ 904.10 Fiscal period.

"Fiscal period" is synonymous with fiscal year and means the 12-month period beginning on September 1 of one year and ending on the last day of August of the following year or such other period as the committee, with the approval of the Secretary, may prescribe.

§ 904.11 Variety.

"Variety" or "varieties" means any one or more of the following classifications or groupings of grapefruit: (a) White or golden seeded and white or golden seedless grapefruit; and (b) pink or red seeded grapefruit and pink or red seedless grapefruit.

§ 904.12 Committee.

"Committee" means the California Grapefruit Administrative Committee established under § 904.20.

Administrative Body

§ 904.20 Establishment and membership.

(a) There is hereby established a California Grapefruit Administrative Committee consisting of nine members, each of whom shall have an alternate who shall have the same qualifications as the member for whom he or she is an alternate. Four of the members and their alternates shall be producers or officers or employees of producers, henceforth referred to as "producer members" of the committee. To the extent practicable producer members shall not be handlers or directors or employees exercising a supervisory or managerial function of a handler, but members of a cooperative marketing organization shall not be considered as handlers because of such membership. Four of the members and their alternates shall be handlers or directors, officers, or employees of a handler, henceforth referred to as "handler members" of the committee. One member and alternate shall represent the public, henceforth referred to as "public member." The public member and his or her alternate shall be nominated by the committee and selected by the Secretary.

(b) Allocation of the producer member positions shall, to the extent practicable,

be at least one member to represent producers affiliated with cooperative marketing organizations, henceforth referred to as "cooperative producers", and at least one member to represent growers who are not so affiliated, henceforth referred to as "independent producers." A second producer member shall be allocated to any group (cooperative or independent) which during the fiscal period preceding the fiscal period in which nominations are made produced more than 37.5 percent but not more than 62.5 percent of the total production of grapefruit; and any group whose production is more than 62.5 percent shall be allocated a third member. At least one producer alternate member shall be a producer from outside that portion of Riverside County which is east of a line due north and south through the post office at Whitewater and west of a line due north and south through Chiriaco Summit, and any such alternate member need not be of the same affiliation as the member.

(c) Allocation of handler member positions shall be at least one member to represent cooperative marketing organizations, henceforth referred to as "cooperative handlers", and at least one member to represent handlers who are not cooperative marketing organizations, henceforth referred to as "independent handlers." A second handler member shall be allocated to any group (cooperative or independent) which during the fiscal period preceding the fiscal period in which nominations are made handled more than 37.5 percent but not more than 62.5 percent of the total quantity of grapefruit handled by all handlers; and any group which handled more than 62.5 percent shall be allocated a third member.

(d) The committee may, with the approval of the Secretary, change the number of producer or handler positions on the committee, reapportion the membership between cooperatives and independents, and limit the number of positions that may be filled by persons affiliated with the same packinghouse or handling organization, as may be necessary to assure equitable representation.

§ 904.21 Term of office.

The term of office of the members and alternate members shall be two fiscal periods: *Provided,* That the term of office of initial members and alternates shall begin as soon as practicable subsequent to the effective date of this part and end August 31, 1981. Each member and alternate shall serve during the term of office for which that person is selected and has qualified and shall continue to serve until a successor is selected and has qualified.

§ 904.22 Nomination.

(a) *Initial producer and handler members.* Nomination for the initial members and alternate members of the committee for each position may be submitted to the Secretary by individual producers and handlers. Such nominations may be made by means of meetings of handlers and meetings of producers of the applicable groups (cooperative or independent). Any such nominations shall be filed with the Secretary not later than the effective date of this part. If such nominations are not filed as specified in this section, the Secretary may select initial members and alternate members, without regard to nomination, on the basis of the representation provided in § 904.20.

(b) *Successor producer members.* (1) The Secretary shall cause to be held, not later than July 1 of each odd-numbered year, meetings of producers for the purpose of making nominations for members and alternate members of the committee.

(2) Only producers, including duly authorized officers or employees of producers, who are present shall participate in the nomination of producer members and alternates. Each producer shall be entitled to cast only one vote for each nominee to be selected. To the extent practicable, only producers affiliated with cooperative marketing organizations may elect nominees affiliated with such organizations; and only producers not affiliated with cooperative marketing organizations may elect nominees not so affiliated. In the event some of a producer's grapefruit is handled through a cooperative marketing organization and some is handled through an organization that is not a cooperative marketing organization, such producer shall be eligible to participate only in the category (i.e., cooperative or independent) in which such producer's major volume of grapefruit is handled.

(c) *Successor handler members.* (1) The Secretary shall cause to be held, not later than July 1 of each odd-numbered year, meetings of handlers for the purpose of making nominations for members and alternate members of the committee.

(2) Only handlers, including duly authorized officers or employees of handlers, who are present and who are eligible to serve as handler members of the committee shall participate in the nomination of handler members and alternate handler members of the committee. Each handler shall be entitled to cast only one vote for each nominee to be selected.

(3) To the extent practicable, only handlers affiliated with cooperative marketing organizations may vote for nominees affiliated with such organizations, and only handlers not affiliated with cooperative marketing organizations may vote for nominees not so affiliated.

(d) *Reapportionment.* Any required reapportionment of committee membership shall be announced at nomination meetings prior to the making of any nomination.

(e) *Public member.* Nominations for the public member and alternate member shall be made by the committee, from qualified persons residing in the production area.

(f) *Failure to nominate.* In the event nominations are not made as specified in § 904.22, the Secretary may select members and alternate members, without regard to nominations, from any eligible persons.

§ 904.23 Selection.

The Secretary shall select members and alternates of the committee from persons nominated pursuant to § 904.22, § 904.26, or from other qualified persons.

§ 904.24 Acceptance.

Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary promptly after being notified of such selection.

§ 904.25 Alternate members.

An alternate member shall act in the place of the member during such member's absence. In the event of the death, removal, resignation, or disqualification of a member, the alternate shall act for that member until a successor for such member is selected and has qualified. In the event that neither the member nor that member's alternate are able to attend a committee meeting, the chairman, with the concurrence of the majority of the members present may designate any other alternate present who is not acting as a member to serve in such member's place at the meeting. To the extent practicable, any such alternate so designated shall have the same affiliation as the absent member and only producer alternates may serve for absent producer members and only handler alternates may serve for absent handler members.

§ 904.26 Vacancies.

To fill any vacancy occasioned by the failure of any person selected as a

member, or as an alternate member of the committee to qualify, or in the event of the removal, resignation, disqualification or death of any member or alternate member, a successor for such person's unexpired term shall be nominated by a majority of the remaining committee members to provide, to the extent practicable, equitable representation as provided in § 904.20, and selected as provided in § 904.23. If nomination to fill any such vacancy is not made within 30 calendar days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations.

§ 904.27 Powers.

The committee shall have the following powers:

(a) To administer this part in accordance with its terms and provisions;

(b) To make and adopt rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 904.28 Duties.

It shall be the duty of the committee:

(a) To select a chairman from its membership, and to select such other officers and adopt such rules and regulations for the conduct of its business as it may deem advisable;

(b) To keep minutes, books, and records which will clearly reflect all of its acts and transactions, which minutes, books, and records shall at all times be subject to the examination of the Secretary; and to mail a copy of the minutes to the Secretary promptly following each committee meeting and to any other interested person who has filed his or her name and address with the committee for such purpose;

(c) To act as intermediary between the Secretary and the producers and handlers;

(d) To furnish the Secretary with such available information as the Secretary may request;

(e) To appoint such employees as it may deem necessary and to determine the salaries and define the duties of such employees;

(f) To cause its books to be audited by a competent public accountant at least once for each fiscal period, and at such other time as it deems necessary or as the Secretary may request, and to file with the Secretary copies of all audit reports;

(g) To prepare a monthly statement of financial operations of the committee and to make such reports, together with the minutes of the meetings of the committee, available for inspection by any producer or handler at the office of the committee;

(h) To determine as near as practicable the total crop of grapefruit, and to make such determinations, including determinations by grade and size as it may deem necessary or as may be prescribed by the Secretary, in connection with the administration of this part;

(i) To investigate the growing, handling, and marketing conditions with respect to grapefruit and to assemble data in connection therewith;

(j) To prepare and mail, as soon as practicable after the close of each fiscal period, to the Secretary, and to each handler and grower who make requests therefor, an annual report covering the operation of the previous fiscal period;

(k) With the approval of the Secretary, to increase or decrease the membership of the committee;

(l) To consult, cooperate, and exchange information with other marketing order committees and other individuals or agencies in connection with all proper committee activities and objectives under this part; and

(m) To establish, with the approval of the Secretary, procedures for the nomination of and qualification for a public member and alternate.

§ 904.29 Compensation and expenses.

The members of the committee and alternates when acting as members, shall serve without compensation, but they shall be reimbursed for reasonable expenses, as approved by the committee, incurred by them in the performance of their duties under this part. Alternate members shall be reimbursed for expenses necessarily incurred by them in attending committee meetings at the request of the committee, notwithstanding that the committee member for whom they serve as alternate also attends such meeting, and for performing other committee business at the request of the committee.

§ 904.30 Procedure.

(a) Five members of the committee shall constitute a quorum, and any action of the committee shall require at least 5 votes: *Provided*, That if the number of committee members is changed purusant to § 904.20 or § 904.28, the committe may with the approval of the Secretary change the number of members required to constitute a quorum, or the number of affirmative votes required to take any action on behalf of the committee, or both.

(b) The committee shall give to the Secretary and to any other interested persons who have filed their names and addresses with the committee requesting such notice the same notice of meetings of the committee as is given to the members of the committee.

(c) At any assembled meeting each vote must be cast in person. At any meeting other than an assembled meeting, the committee may vote by telephone, telegraph, or other means, and any such vote cast by telephone shall be confirmed promptly in writing.

Expenses and Assessments

§ 904.34 Expenses.

The committee is authorized to incur such expenses, including inspection expenses, as the Secretary finds are reasonable and likely to be incurred to carry out the functions of the committee during each fiscal period. The funds to cover such expenses shall be acquired by the levying of assessments upon handlers, as provided in § 904.35.

§ 904.35 Assessments.

(a) Each handler who first handles grapefruit shall, with respect to the grapefruit so handled, pay to the committee, upon demand, such handler's pro rata share of expenses which the Secretary finds are reasonable and likely to be incurred by the committee for its maintenance and functioning during each fiscal period.

(b) The Secretary shall fix the rate(s) of assessment to be paid by handlers and such rate(s) may be fixed by variety. At any time during or after a fiscal period, the Secretary may increase the rate(s) of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses of the committee. Such increased rate with respect to any particular variety shall be applicable to all grapefruit of that variety handled during that fiscal period. To provide funds for the administration of this part, the committee may accept the payment of assessments in advance, or may borrow money for such purpose.

(c) The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect, irrespective of whether particular provisions thereof are suspended or become inoperative.

(d) Any assessment not paid by a handler within a period of time prescribed by the committee may be subject to an interest or late payment charge, or both. The period of time, rate of interest, and late payment charge shall be as recommended by the

committee and approved by the Secretary.

§ 904.36 Accounting.

(a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, such excess shall be accounted for in accordance with one of the following:

(1) If such excess is not retained in a reserve, as provided in paragraph (a)(2) of this section, it shall be refunded proportionately to the handlers from whom it was collected: *Provided,* That any sum paid by a handler in excess of his or her pro rata share of the expenses during any fiscal period may be applied by the committee at the end of such fiscal period to any outstanding obligations due the committee from such handler.

(2) The committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal periods as a reserve: *Provided,* That such reserve shall not exceed an amount approximating one full fiscal period's expenses, exclusive of inspection costs. Any such reserve may be maintained by variety. Such reserve funds may be used (i) to defray expenses, during any fiscal period, prior to the time assessment income is sufficient to cover such expenses, (ii) to cover deficits incurred during any fiscal period when assessment income is less than expenses, (iii) to defray expenses incurred during any period when any or all provisions of this part are suspended or are inoperative, or (iv) to cover necessary expenses of liquidation in the event of termination of this part. Upon such termination, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided,* That to the extent practical, such funds shall be returned pro rata to the handlers from whom such funds were collected.

(b) All funds received by the committee shall be used solely for purposes specified in this part and shall be accounted for in the manner provided in this part. The Secretary may at any time require the committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the term of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds in his or her possession to the committee, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in the committee full title to all of the property, funds, and claims vested in such member pursuant to this part.

Research and Market Development

§ 904.37 Production research, marketing research, and market development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of production research, marketing research and development projects designed to assist, improve or promote the marketing, distribution, consumption or efficient production of any variety or varieties of grapefruit. The expense of such activities shall be paid from funds collected under § 904.35. Such projects may provide for any form of marketing promotion, including paid advertising. Any such project for promotion and advertising may utilize an identifying mark or term which shall be made available for use by all handlers in accordance with such terms and conditions as the committee, with the approval of the Secretary, may prescribe.

Regulation

§ 904.38 Marketing policy.

Prior to submitting recommendations under § 904.39, the committee shall submit to the Secretary a report setting forth the marketing policy it deems advisable for the ensuing fiscal period. Additional reports shall be submitted from time to time if it is deemed advisable by the committee to adopt a new or modified marketing policy because of changes in the demand and supply situation for grapefruit. The committee shall publicly announce the submission of each marketing policy report and copies thereof shall be available at the committee's office for inspection by any producer or handler. In determining each such marketing policy the committee shall give due consideration to the following:

(a) Market price by grade and size of each variety of grapefruit;

(b) Supply of grapefruit by grade and size of each variety of grapefruit;

(c) Supply of competing fruits;

(d) Expected demand conditions for grapefruit in different market outlets;

(e) Type of regulation expected to be recommended during the fiscal period;

(f) Trend and level of consumer income;

(g) Marketing conditions affecting grapefruit prices; and

(h) Other relevant factors.

§ 904.39 Recommendations for regulation.

Whenever the committee finds it advisable to regulate the handling of any particular grade, quality, size, or maturity, or any combination thereof, of any variety of grapefruit during any period, it shall recommend such regulation for that period. Recommendations may include different grade, quality, size, or maturity requirements, or any combination thereof, for any variety handled to any of the marketing zones established pursuant to § 904.43.

§ 904.41 Issuance of regulations.

(a) Whenever the Secretary finds from the recommendations and information submitted by the committee or from other available information, that limiting the handling of any variety of grapefruit to any particular grade, quality, size, or maturity, or any combination thereof, would tend to effectuate the declared policy of the act, the Secretary shall so limit the handling of the variety for a specified period; and the limitation may prescribe different grade, quality, size, or maturity requirements, or any combination thereof, for the handling of any such variety by the initial handler thereof directly to the marketing zones specified. The committee shall be informed immediately of any such regulation issued by the Secretary; and the committee shall promptly give adequate notice thereof to handlers.

(b) Whenever the Secretary finds from the recommendation and information submitted by the committee, or from other available information, that to establish and maintain in effect minimum standards of quality or maturity, or both, for the handling of grapefruit during any period would tend to effectuate the declared policy of the act and be in the public interest, the Secretary shall establish in terms of grades, sizes, or both, such standard, designate such period, and so limit the handling of such grapefruit. The Secretary shall immediately notify the committee of the issuance of any such regulation; and the committee shall promptly give adequate notice thereof to handlers.

§ 904.42 Modification, suspension, or termination of regulations.

(a) In the event the committee at any time finds that, by reason of changed conditions, any regulations issued under § 904.41 should be modified, suspended, or terminated, it shall so recommend to the Secretary.

(b) Whenever the Secretary finds from the recommendation and information submitted by the committee or from other available information, that a regulation should be modified, suspended, or terminated with respect to any or all shipments of grapefruit in

order to effectuate the declared policy of the act, the Secretary shall modify, suspend, or terminate such regulation. If the Secretary finds that a regulation obstructs or does not tend to effectuate the declared policy of the act, the Secretary shall suspend or terminate such regulation. On the same basis and in like manner the Secretary may terminate any such modification or suspension.

§ 904.43 Marketing zones.

(a) The committee, with the approval of the Secretary, may prescribe different grade, quality, size, or maturity requirements, or any combination thereof, for any variety of grapefruit handled for shipment to the following marketing zones:

(1) Zone 1: The State of California.

(2) Zone 2: The State of Arizona.

(3) Zone 3: The State of Florida.

(4) Zone 4: The State of Texas.

(5) Zone 5: The States of Washington, Oregon, Montana, Idaho, Wyoming, Nevada, and Utah.

(6) Zone 6: The States not included in Zones 1, 2, 3, 4, 5, and 7.

(7) Zone 7: All export markets including the States of Alaska and Hawaii.

(b) The committee, with approval of the Secretary, may redefine and establish any other combination of marketing zones.

§ 904.44 Grapefruit not subject to regulation.

(a) Except as otherwise provided in this section, any person may, without regard to the provisions of §§ 904.35, 904.41, and 904.42, and the regulations issued thereunder, ship grapefruit of any variety as follows: (1) to a charitable institution for consumption at such institution; (2) to a relief agency for disposition by such agency; (3) for conversion by a commercial processor into any processed or manufactured product, including canned or bottled grapefruit juice, frozen products or beverage base; or (4) by express, parcel post or common or contract carrier in units of five cartons or less.

(b) Upon the basis of recommendation and information submitted by the committee, or from other available information, the Secretary may relieve in whole or in part from any or all of the requirements under this part, the handling of grapefruit in such minimum quantities, in such types of shipments, in such types of outlets, or for such specific purposes as the committee may recommend.

(c) The committee shall, with the approval of the Secretary, prescribe rules, regulations, and safeguards necessary to assure compliance with this section. Such rules, regulations, and safeguards may include requirements that handlers shall file applications and receive approval from the committee for authorization to handle grapefruit under this section, and that such application be accompanied by certification by the intended purchaser or receiver that the grapefruit will not be used for any purpose not authorized by this section.

§ 904.45 Special handling permit.

The committee may issue special handling permits authorizing the transportation of grapefruit in bulk lots to packing facilities outside the production area for preparation for fresh market, which facilities will be handlers under the order. All such lots shall be handled in accordance with the rules and regulations prescribed by the committee with the approval of the Secretary, and shall be subject to assessments, regulations, and the inspection and certification requirements prescribed in §§ 904.35, 904.41, 904.43 and 904.46. Any special handling permit may be revoked by the committee if the holder of such permit fails to comply with the applicable rules and regulations.

Inspection and Certification

§ 904.46 Inspection and certification.

(a) During any period in which the Secretary has regulated the handling of any variety or varieties of grapefruit pursuant to §§ 904.41, 904.42 or 904.43, each handler shall, prior to the handling of any lot of such variety or varieties, cause such lot to be inspected by an authorized representative of the Federal or Federal-State Inspection Service. Promptly thereafter, such handler shall submit to the committee a copy of the inspection certificate issued thereon. The provisions of this section shall not be applicable to any lot which has been so inspected and a copy of such inspection certificate has been submitted to the committee.

(b) The committee may enter into an agreement with the Federal or Federal-State Inspection Service with respect to the costs of the inspection required by paragraph (a) of this section, and may collect from handlers their respective pro rata shares of such costs.

Reports

§ 904.47 Reports.

(a) The committee may require information from each handler regarding the grade, quality, size, maturity, and variety of each carton contained in each individual shipment, and may require such information to be delivered to the committee at such time and in such manner as the committee may request and upon forms prepared by it.

(b) The committee may require each handler to furnish the following information with respect to grapefruit: the quantity of each variety handled in interstate commerce and to Canada; the quantity of each variety handled by express and parcel post; the quantity of each variety handled for distribution to persons on relief, including donations for charitable purposes; the quantity of each variety handled for consumption in fresh form within the production area; the quantity of each variety exported to countries other than Canada; the quantity of each variety sold or otherwise disposed of for canning or for manufacturing into by-products; and the quantity of each variety disposed of otherwise.

(c) For the purpose of enabling the committee to perform its functions and duties under this part, each handler shall furnish to the committee such other information in such form and at such times and substantiated in such manner as shall be prescribed by the committee and approved by the Secretary.

(d) All reports and records submitted by handlers pursuant to the provisions of this section shall be received by, and at all times be in custody of, one or more designated employees of the committee. No such employee shall disclose to any person, other than the Secretary upon request therefor, data or information obtained or extracted from such reports and records which might affect the trade position, financial condition, or business operation of the particular handler from whom received: *Provided,* That such data and information may be combined, and made available to any person, in the form of general reports in which the identities of the individual handler furnishing the information is not disclosed and may be revealed to any extent necessary to effect compliance with the provisions of this part and the regulations issued thereunder.

§ 904.48 Records.

Each handler shall maintain such records of all grapefruit handled, or otherwise disposed of as will substantiate the required reports and as may be prescribed by the committee. All such records shall be maintained for not less than two years after the termination of the fiscal period in which the transactions occurred or for such lesser period as the committee may direct.

§ 904.49 Verification of reports and records.

For the purpose of assuring compliance and checking and verifying

the reports filed by handlers, the Secretary and the committee, through its duly authorized agents, shall have access to any premises where applicable records are maintained, where grapefruit are received, stored, or handled, and, at any time during reasonable business hours, shall be permitted to inspect such handlers' premises and any and all records of such handlers with respect to matters within the purview of this part.

Miscellaneous Provisions

§ 904.50 Compliance.

Except as provided in this part, no person shall handle grapefruit except in conformity to the provisions of this part and the regulations issued thereunder.

§ 904.51 Right of the Secretary.

The members of the committee (including successors and alternates), any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in accordance therewith prior to such disapproval by the Secretary.

§ 904.52 Termination.

(a) The Secretary shall terminate or suspend the operation of any or all of the provisions of this part upon finding that such provisions do not tend to effectuate the declared policy of the act.

(b)(1) The Secretary shall terminate the provisions of this part at the end of the then current fiscal period whenever the Secretary finds that continuance is not favored by producers, but any such termination shall be announced before June 15 of such fiscal period.

(2) To determine whether continuance is favored by producers, the required percentages set forth in the act with respect to producer approval of the issuance of a marketing agreement and order regulating the handling of citrus fruits produced in any area producing what is known as California citrus fruits (approved by three-fourths of the producers who, during a representative period, determined by the Secretary, have been engaged within the production area in the production of grapefruit for market; or by producers who, during such representative period, have produced for market at least two-thirds of the volume of grapefruit produced within the production area for market) shall be used. In the event that a referendum is utilized to aid in making this determination, such required percentages for continuance shall be held to be complied with if, of the total number of producers, or the total volume of grapefruit produced for market, as the case may be, represented in such referendum, the percentage favoring continuance is equal to or in excess of the percentage required.

(c)(1) The Secretary shall conduct a referendum no later than May 15, 1985, and no later than that date every fifth year thereafter to ascertain whether continuance of this part is favored by producers: *Provided,* That if an intervening continuance or amendment referendum is conducted and the vote in that referendum is affirmative, the next continuance referendum shall be conducted five years after the date of such latest referendum.

(2) The committee may request that the Secretary conduct a referendum during any fiscal period, provided such request is made prior to March 15.

(d) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 904.53 Proceedings after termination.

(a) Upon the termination of the provisions of this part, the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustee of all funds and property then in its possession, or under its control, including claims for any funds unpaid or property not delivered at the time of such termination. Any action by said trustee shall require the concurrence of a majority of the trustees.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such persons as the Secretary may direct; and (3) upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person, full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligations imposed upon the committee and upon the trustees.

§ 904.54 Effect of termination or amendments.

Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this part or any regulation issued under this part, or (b) release or extinguish any violation of this part or any regulation issued under this part, or (c) affect or impair any rights or remedies of the Secretary or any other person with respect to any such violation.

§ 904.55 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this part cease upon its termination, except with respect to acts done under and during the existence of this part.

§ 904.56 Derogation.

Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 904.57 Personal liability.

No member or alternate of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for act of dishonesty, willful misconduct, or gross negligence.

§ 904.58 Separability.

If any provision of this part is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

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

Effective date: April 28, 1980.

Signed at Washington, D.C., on: March 21, 1980.

Jerry C. Hill,

Deputy Assistant Secretary for Marketing Services.

[FR Doc. 80-9257 Filed 3-26-80; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 909

Grapefruit Grown in Arizona; in Imperial County, Calif.; and in That Part of Riverside County, Calif., Situated South and East of White Water, Calif.; Termination

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule terminates Marketing Order No. 909, which covers grapefruit grown in Arizona and southeastern California, and provides for the disposal of assets acquired under this marketing order program. A finding is made that this marketing order no longer tends to effectuate the declared policy of the act, and therefore it should be terminated.

EFFECTIVE DATE: April 28, 1980.

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

SUPPLEMENTARY INFORMATION: *Findings.* This final rule terminates Marketing Order 909 (7 CFR Part 909), regulating the handling of grapefruit grown in Arizona and a designated part of California, and provides for disposition of marketing order assets in the possession of or under control of the Administrative Committee which locally administers this marketing order program. These actions are in accordance with the provisions relating to termination in §§ 909.74 and 909.75 of this order, and section 8c(16) (7 U.S.C. 608c(16)) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), under which this marketing order is effective.

M.O. 909, which became effective May 26, 1941, authorizes grade and size regulations, minimum standards of quality and maturity, and marketing research and development projects. However, the order has been relatively inactive in the past 2 seasons, due primarily to the fact that the administrative committee for local administration was unable to agree upon a recommendation for regulation acceptable to both areas. Ultimately agreement was reached by the committee that the production area in each State should be covered by a separate marketing order, and that Marketing Order 909 should be terminated.

Public hearings were held in March 1979, on proposed separate marketing orders for grapefruit in each of the respective States. At each of the hearings the witnesses requested that the joint order be terminated. Witnesses at the Arizona hearing stated that marketing program needs for Arizona grapefruit can be met by an existing State order, and they do not wish to be regulated under a Federal order. Witnesses at the California hearing also requested that Order 909 be terminated, but presented evidence in favor of a Federal order for California grapefruit only. On September 4, 1979, the Secretary issued a decision favoring issuance of a marketing agreement and order regulating the handling of grapefruit grown in a designated area in California (44 FR 52219), subject to a referendum among growers. Consideration currently is being given to issuance of that order based upon the results of that referendum, and a finding in the Secretary's decision that the California area is the smallest practicable area consistent with the declared purposes of the act.

In view of the circumstances, it is concluded that continuance of the order would serve no constructive purpose. Persons affected by the order in the areas of coverage have requested that it be terminated. No interest is currently manifest to utilize the order, consequently it is found that the order does not tend to effectuate the declared policy of the act and should be terminated.

This final rule has been reviewed under the USDA criteria for implementing Executive Order 12044, and has been classified "significant." An Impact Analysis is available from Malvin E. McGaha, Chief, Fruit Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, Telephone: (202) 447-5975.

Order. (a) It is hereby ordered that Marketing Order 909 (7 CFR Part 909) be terminated, effective 30 days after publication of this final rule in the **Federal Register.**

(b) It is hereby further ordered that: (1) The members and alternate members of the Administrative Committee are hereby appointed as trustees for the purpose of liquidating the affairs of this committee, as provided in § 909.75; (2) these trustees shall satisfy any and all Administrative Committee liabilities, and dispose of all assets in the possession of or under control of the Administrative Committee by distributing such assets including funds in the committee's operating reserve to handlers, in a manner consistent with order provisions: *Provided,* That the trustees may use such funds as are reasonable and necessary to cover liquidation costs; (3) these trustees shall account for all receipts and disbursements and deliver any and all Administrative Committee records to the Los Angeles Marketing Field Office, F&V, AMS, USDA, 845 S. Figueroa St., Suite 540, Los Angeles, California 90017; and (4) upon completion of all of the specified duties and responsibilities the members and alternate members of the Administrative Committee are discharged as trustees and relieved of their powers and duties under this order.

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

Dated March 21, 1980, to become effective April 28, 1980.

Jerry C. Hill,

Deputy Assistant Secretary for Marketing Services.

[FR Doc. 80-9261 Filed 3-26-80; 8:45 am]

BILLING CODE 3410-02-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 120

[Rev. 6, Amdt. 25]

Loan Guaranty Agreement for Short Term Loans

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: Current SBA regulations refer to guaranty fees payable with respect to loans made with maturities of up to 12 months. A new SBA Form 750B has been issued for such loans and this regulation is necessary to implement such Form.

EFFECTIVE DATE: March 27, 1980.

FOR FURTHER INFORMATION CONTACT: Arthur E. Armstrong, Director, Office of Financing, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, (202) 653-6574.

SUPPLEMENTARY INFORMATION: This final rule will conform SBA regulations to the provision of a new SBA Form 750B, Loan Guaranty Agreement (Deferred Participation) for Short Term Loans (loans with maturities of less than 12 months). Among other things, the new Form provides a lower guaranty fee rate for short term loans than is applicable to longer term loans, and it also provides for a simpler collection process.

The regulation provides that the one-time guaranty fee for short term loans shall be one-quarter of 1 percent of the guaranteed portion of the loan, payable by the lender when it submits the loan application to SBA. After SBA approves

the loan, lender may charge the borrower the guaranty fee paid by the lender. In addition, the borrower may be charged a commitment fee of one-quarter of one percent of the unguaranteed portion of the loan, in accordance with banking practice. If the loan application is declined or withdrawn prior to approval SBA will return the guaranty fee to the lender. The regulation also sets rules for refunds, rebates and additional fees.

The guaranty fee rate is not new since the basic provision is already in the regulations. The commitment fee (one-quarter of one percent on the unguaranteed portion) acknowledges general banking practice. The charge to the borrower is not new since it is in the regulations currently. It is therefore in the public interest to promulgate this implementing regulation in final form, in order to be operative together with the new SBA Form 750B. Interested persons, however, are invited to submit written comments or suggestions. Material thus submitted will be given consideration and evaluation for possible SBA action.

To accommodate this amendment in orderly fashion, it (1) deletes the last sentence from § 120.3(b)(1)(iii), (2) combines the provisions in § 120.3(b)(1)(iii) and present (iv), and (3) adds a new § 120.3(b)(1)(iv) to deal solely with short term loans.

Accordingly, pursuant to the authority contained in section 5(b)(6) of the Small Business Act (15 USC 631 *et seq*), Part 120, Chapter 1, Title 13 of the Code of Federal Regulations, is amended by revising §§ 120.3(b)(1)(iii) and (iv) to read as follows:

§ 120.3 Terms and conditions of business loans and guarantees.

* * * * *

(b) *Fees and interest rates.* (1) *Guaranty fees.* * * *

(iii) For guaranties of loans with a maturity in excess of one year approved on and after October 1, 1978, the onetime guaranty fee shall be one (1%) percent of the authorized and guaranteed portion of the loan, and shall be payable by the lender within 90 calendar days of the date of the SBA's approval as stated in the loan authorization. If the guaranty fee is not paid by the lender within this time period, SBA will send the lender a written notice stating that the guaranty will be terminated if SBA does not receive the fee within the time period stated in the notice. If the lender does not pay the guaranty fee within the stated time period, then the guaranty on the loan will be automatically canceled. SBA, at its sole discretion, may reinstate the guaranty on the loan where SBA determines that the lender's failure to pay the guaranty fee before cancellation was not intentional and not part of a recurring pattern; *Provided, however,* That SBA will not reinstate the guaranty if the fee remains unpaid at the time of borrower's default in payment of principal or interest due on the loan, and if such default in payment continues uncured, or if there has been a substantial adverse change in borrower's condition. SBA shall refund the guaranty fee where the lender has not made any disbursement of the guaranteed loan and lender makes written request for the return of the guaranty fee and cancellation of the loan authorization. For guarantees approved on or after December 1, 1979, the guaranty fee may be charged to the borrower; *Provided, however,* That the lender has paid such fee to SBA pursuant to this paragraph, and the charge to the borrower is not made prior to first disbursement. The fee may be a part of the proceeds of the loan.

(iv) For guaranties approved on and after February 1, 1980, the onetime guaranty fee, with respect to loans with a maturity not in excess of 12 months, shall be one quarter of one (¼%) percent of the authorized and guaranteed portion of the loan, and shall be payable by the lender at the same time it submits the loan application to SBA. After SBA approves such short term loan, lender may charge the borrower the guaranty fee paid by lender and, in addition, lender may charge the borrower a commitment fee amounting to one quarter of one (¼%) percent of the unguaranteed amount of such short term loan. If the loan application is declined or withdrawn prior to approval, SBA will return the guaranty fee to lender. There will be no rebate of the guaranty fee at any time after the date of loan approval stated in the loan authorization where the application for guaranty is approved as submitted by the lender. If SBA approves the guaranty of the loan with any substantial modification or addition to the loan conditions submitted by the lender, SBA will return the guaranty fee to lender if SBA receives, within 30 calendar days after SBA's approval date, a written request from lender to cancel the loan guaranty and to return the guaranty fee. SBA will not charge an additional guaranty fee for loans extended beyond the original maturity date. Lender shall not make any disbursements after the original maturity date.

* * * * *

(Catalog of Federal Domestic Assistance Program No. 59.012)

Dated: March 20, 1980.

A. Vernon Weaver,

Administrator.

[FR Doc. 80-9427 Filed 3-26-80; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 80-CE-2-AD; Amendment 39-3724]

Gates Learjet 23, 24, 25, 28, 29, 35 and 36 Series Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This Amendment adopts a new Airworthiness Directive (AD) that requires safety wiring of certain bolts in the cabin main entrance upper door on certain Gates Learjet 23, 24, 25, 28, 29, 35 and 36 series airplanes. This AD is needed to prevent possible failure of the door locking mechanism which could prevent crew/passengers from opening the door in the event of an emergency.

EFFECTIVE DATE: May 1, 1980.

Compliance: Within the next 150 hours time-in-service after the effective date of this AD.

ADDRESSES: The applicable Airplane Modification Kit Number AMK79-9 may be obtained from Gates Learjet Corporation, Mid-Continent Airport, P.O. Box 7707, Wichita, Kansas 67277, Telephone Number (316) 946-2000. A copy of the Modification Kit Instructions is contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106 and at Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Marvin Beene, Aerospace Engineer, Engineering and Manufacturing District Office #43, Room 238, Terminal Building No. 2299, Mid-Continent Airport, Wichita, Kansas 67209, telephone (316) 942-4219.

SUPPLEMENTARY INFORMATION: On January 28, 1980, the FAA proposed to amend Part 39 of the Federal Aviation Regulations (14 CFR Part 39) by adding a new AD applicable to certain Gates Learjet Models 23, 24, 25, 28, 29, 35 and 36 series airplanes (45 FR 6407, 6408). The proposal would require modification of the door locking mechanism which otherwise could prevent crew/passengers from opening

the door in the event of an emergency. Interested persons were invited to participate in the proposed rule making by submitting written comments on the proposal to the FAA. No comments to the docket were received.

Prior to the FAA proposal to amend Part 39, a report was received showing that the crew on a Lear Model 35 airplane could not get the cabin main entrance upper door open after landing. The occupants exited the airplane via the emergency exit on the right side of the airplane. The visual and electric door warning system showed that the door was properly closed and locked throughout the flight. Investigation after the incident revealed that a bolt in the door linkage had backed out of its self-locking nut plate after the door was closed thereby making it impossible to open the door. If this happens at a time when there is a fire on the right side of the airplane in the vicinity of the emergency exit or if the emergeny exit is otherwise unusable, an unsafe condition will result because the crew and passengers will be trapped inside the airplane. In order to prevent these possible unsafe conditions from occurring Gates Learjet Corporation has developed and made available Airplane Modification Kit Number AMK79–9 which includes hardware and instructions for safety wiring certain critical pivot bolts in the cabin main entrance upper door. Since this condition is likely to exist or develop on other airplanes of the same type design, an AD is being issued which requires safety wiring of certain critical bolts in the cabin main entrance upper door on certain Gates Learjet 23, 24, 25, 28, 29, 35 and 36 series airplanes.

Adoption of the Amendment

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

Learjet: Applies to the following models or series and serial number airplanes certificated in all categories:

Note.—A "series" includes all models in a number series, i.e., 25 series includes Models 25, 25A, 25B, 25C, etc.

Model or series	Serial numbers
23 (model)	23–003 through 23–099
24 (series)	24–100 through 24–357
25 (series)	25–003 through 25–291
28 (model)	28–001 through 28–005
29 (model)	29–001 and 29–002
35 (series)	35–001 through 35–274 and 35–278
36 (series)	36–001 through 36–044

Compliance: Required as indicated unless already accomplished.

To assure that the cabin main entrance upper door will open, in the event of an emergency, accomplish the following:

(A) Within the next 150 hours time-in-service after the effective date of this Airworthiness Directive (AD), modify the cabin main entrance upper door by, (1) Drilling access holes, installing new mechanism pivot bolts drilled for safety wire and drilling safety wire holes in surrounding structure, as applicable, and (2) safety wiring the bolts, all in accordance with instructions in Gates Learjet Corporation Airplane Modification Kit Number AMK 79–9.

(B) Issuance of a special flight permit in accordance with FAR 21.197 is permitted for the purpose of moving affected airplanes to a location where the modification required by this AD can be accomplished.

(C) Any equivalent means of compliance with this AD must be approved by the Chief, Wichita Engineering and Manufacturing District Office, Federal Aviation Administration, Room 238, Terminal Building No. 2299, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 942–4219.

This amendment becomes effective May 1, 1980.

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

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

Issued in Kansas City, Missouri, on March 17, 1980.

Paul J. Baker,

Director, Central Region.

[FR Doc. 80–9289 Filed 3–26–80; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 80–NW–9–AD; Amdt. 39–3721]

Airworthiness Directives; Boeing Model 707/720/727/737/747 Series Airplanes With Certain Hydraulic Components Repaired or Parts Produced by Fortner Engineering and Manufacturing, Inc.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment requires removal of certain hydraulic components that have been repaired or parts produced by Fortner Engineering and Manufacturing, Inc., of Glendale, California, hereinafter referred to as Fortner, and installed in Boeing 707/720/727/737/747 aircraft. In addition, a one time operational check is prescribed.

One component of a primary flight control actuator was found to exhibit reverse control during a bench functional test. This resulted in a companion Airworthiness Directive (AD), T80NW–4, issued by telegram on January 29, 1980, relating to Boeing 737 rudder power control unit (PCU) servo valves overhauled by Fortner. Additional investigation to date reveals that these components were repaired under questionable quality control practices and that none were repaired in accordance with FAA-approved data. They, therefore, are of undetermined airworthiness status. Since the components added by this amendment to Part 39 have also been identified as controlling flight critical surfaces as were the 737 rudder servo valves and no compensating factors (such as dual surfaces or otherwise) exist which could alleviate the effects of an unscheduled full deflection command to these control surfaces, the amendment is being adopted on an emergency basis. FAA contemplates issuing a separate Notice of Proposed Rulemaking (NPRM) requiring the removal of other components overhauled by Fortner which are not in the class of criticality defined above.

DATES: Effective date April 3, 1980. Compliance times as prescribed in the body of this AD.

FOR FURTHER INFORMATION, CONTACT: Mr. Mark I. Quam, Systems and Equipment Section, ANW–213, Engineering and Manufacturing Branch, FAA, Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767–2500.

SUPPLEMENTARY INFORMATION: Telegraphic Airworthiness Directive T80NW–4 was issued by the FAA on January 29, 1980, to require the removal from service of Boeing 737 rudder PCU servo valves, P/N 68010–5003, that had been overhauled by Fortner. That action stemmed from the results of a final PCU assembly bench test during which an operator discovered that a 737 rudder power control unit (PCU) exhibited reverse control. The problem was isolated to the PCU dual servo valve (serial number 18X) that had been overhauled by Fortner. This valve and two other overhauled valves were returned to Fortner for functional tests. Data gathered from these tests indicated that not all the functional tests had been

conducted as directed by the Fortner overhaul specification, even though, in some cases, entries in the original quality control records at Fortner for the valves indicated that they had passed the tests satisfactorily after the overhaul work had been completed.

The valves were overhauled by Fortner by honing out the housing that contains the primary and secondary slides and replacing the primary and secondary slides with slides manufactured by Fortner in accordance with Fortner data. These data had not received FAA approval as required for major repairs or major alterations. In fact, Fortner had manufactured various parts and made several unapproved modifications.

Subsequent FAA investigation has revealed that Fortner has repaired approximately 15,000 hydraulic lap assemblies. Of the lap assemblies involved, approximately 125 are Boeing and Boeing-vendor part numbers. In addition, the FAA has learned that one major airline has a history of rejections of complex valves, used on primary flight control actuators, that were repaired by Fortner and found by the airline (not Fortner) to be deficient.

Tests have been conducted on five other 737 rudder PCU servo valves that had been overhauled by Fortner. These FAA-witnessed tests indicate that these valves do not meet approved type design data or Fortner overhaul specifications. Additional hydraulic component tests conducted by the original manufacturer indicate other hydraulic components overhauled by Fortner do not meet type design.

The 737 PCU servo valve, S/N 18X, exhibited reverse control on five different PCU's on which it had been installed for tests; however, on one of the five PCU's the control did not reverse every time the input was applied; i.e., the reversal phenomenon was intermittent and could not be predicted. Moreover, the servo valve 18X failed every servo valve component bench test witnesses by the FAA indicating poor quality control by Fortner. The FAA is concerned that if a PCU servo valve is not properly tested, as an individual component, in accordance with the airframe manufacturer's overhaul specification, then there is a risk that a servo valve that exhibits intermittent reverse control characteristics may pass the overhaul functional test of the complete PCU assembly and may be introduced into service.

The hardover failure of the 737 PCU servo valve, S/N 18X, can be associated with faulty repair of the servo, secondary slide mistrim, and manufacturing dimensional variables. This AD will require that a rudder, elevator and aileron manual hardover test be conducted on a one time basis to exercise as many of the variables as possible to detect a valve that might exhibit reverse control.

The hydraulic component compliance schedule provides for removal of the most flight-critical valves. This evaluation has been based on dual concentric type valves that control a critical flight surface and for which there are no compensating factors (such as dual surfaces or otherwise) which could alleviate the effects of a hardover condition. Other valves not considered as critical will be handled by separate FAA rule making action that will contain an extended removal schedule to relieve some of the burden the operators may encounter when trying to obtain replacement parts.

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

Adoption of the Amendment

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

Boeing: Applies to all Model 707/720/727/737/747 series airplanes that contain the hydraulic components, listed below, that have been repaired or parts produced by FORTNER ENGINEERING AND MANUFACTURING, INC., OF GLENDALE, CALIFORNIA under FAA Repair Station Certificate No. 417–5. Accomplish the following:

a. To detect a control valve which could cause control surface reversal, within three days from the effective date of this AD, unless already accomplished within the last 14 days, conduct a one time manual input hardover test on the flight control systems containing parts listed in paragraph B below, as follows:

Rudder (yaw damper off), elevator (autopilot off) and aileron (autopilot off) and all associated hydraulic systems on. Apply an abrupt hardover command one way until the flight surface reaches full travel. The commanded rate must be rapid enough to saturate the control valve, as evidenced by a noticeable resistance in the control input. The flight control shall be held hardover in that position for 5 seconds. Repeat this procedure applying an abrupt command in the opposite direction.

1. On the 737, use of single hydraulic systems during the test can be an aid in isolation of individual actuators.

i. Use the "B" system electric pumps or an external hydraulic source to pressurize the "B" hydraulic system. (ground interconnect closed).

ii. Turn on the "B" Flight Control hydraulics circuit breaker.

iii. Conduct the elevator and aileron control checks. Failure of the test indicates that the right hand elevator actuator (as viewed from the airplane tail) or the upper aileron actuator is faulty.

iv. Open the ground interconnect or use an external hydraulic source to pressurize the "A" hydraulic system.

v. Turn "off" the "B" Flight Control hydraulic circuit breaker and turn "on" the "A" Flight Control hydraulic circuit breaker.

vi. Conduct the elevator and aileron control checks (failure of the test indicates that the left hand elevator actuator or lower aileron actuator is faulty).

2. On the 727 elevator, if a surface reversal occurs, isolation should be accomplished by removal of an actuator and the use of a bench functional test with a maximum rate input to confirm the fault. If the fault cannot be confirmed, the other actuator should be checked.

3. On the 707 Rudder package with the series yaw damper, it is recommended that only pedal inputs be made, since this is adequate to provide the necessary valve overtravel (up to 200% of active travel).

4. The 747 inboard elevator test procedure is as follows:

i. Turn on all four ADP's and pressurize #1 hydraulic system only.

ii. Pull column full aft into stops at maximum rate and hold for 3 to 5 seconds. Check for signs of abnormality such as column reversal. Repeat for full forward column.

iii. Turn off #1 hydraulic system and repeat max rate test with hydraulic systems #2, #3 and #4 individually.

iv. A malfunction in System #1 or #2 indicates a problem with the right hand inboard elevator: System #3 or #4 indicates the left hand inboard elevator.

During these tests, observe the appropriate aileron, elevator or rudder positions or their cockpit indicators. If the flight surface reverses direction or if the rudder pedals or flight control wheel back drive in the opposite direction of command, immediately notify the FAA Northwest Region (telephone (206) 767–2600) and remove the associated power control unit from service.

b. Within 30 days from the effective date of this airworthiness directive, remove from service any of the following valve assemblies, and their detail subassemblies, that have been overhauled or produced by Fortner Engineering and Manufacturing, Inc., and replace with units which are either new manufacture or have been over hauled in accordance with FAA approved data:

PCU unit (used on)	Valve assembly P/N[1]	Lap assembly P/N [2]	Supplier
707/720 Series Yaw Damper rudder PCU P/N 60000( )	60010-5003, -5005, -5007	60010-1/-9/-13	Bertea.
727 Elevator PCU P/N 68000-( )	68010-5001	68010-1	Bertea.
737 Aileron/Elevator PCU P/N 65-44761-( )	65-44828-2/-4	65-44671-1, -3	Boeing/Bertea.
737 Rudder PCU P/N 65-44861-( )	68010-5003. This part has been covered by FAA telegraphic AD T80NW-4 dated 1-29-80.	68010-11	Bertea.
747 Inboard Elevator PCU P/N 93600-( )	93610-5003	93610-11	Bertea.

[1] Component part numbers to be removed. Note: Some operators refer to the valve assembly as the lap assembly.
[2] These part numbers are the original Bertea or Bertea/Boeing detail subassembly part numbers These lap subassemblies may have been replaced with Fortner assemblies by the repair station or operator. The Fortner Engineering and Manufacturing parts are to be removed from service.

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

This amendment becomes effective April 3, 1980.

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

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

Issued in Seattle, Wash., on March 14, 1980.

C. B. Walk, Jr,

Director, Northwest Region.

[FR Doc. 80-9166 Filed 3-26-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 80-WE-6-AD; Amdt. 39-3722]

Airworthiness Directives; Hiller Model UH-12 Series Helicopters

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires inspection of certain elements of main rotor blade assemblies to establish configuration, and provides for removal from service of over-age parts on Hiller Model UH-12 Series Helicopters. The AD is needed to prevent retention in service of finite life components beyond the established finite life which could result in loss of the rotorcraft.

DATES: Effective March 31, 1980.

Compliance schedule—Initial compliance required within 10 hours' time in service from the effective date of this AD.

ADDRESSES: The applicable service information may be obtained from:

Hiller Aviation, 2075 W. Scranton Avenue, Porterville, California 93257

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

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

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

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

SUPPLEMENTARY INFORMATION: There have been reports that the serial number designation on the anti-node bars installed in Hiller Helicopter UH-12 Series Helicopter main rotor blade assemblies may not be consistent with the configuration identified for these serial numbered anti-node bars in the document which establishes the life limit for these parts. This condition is significant from a safety aspect since there are two thread configurations for the main rotor anti-node bars which have significantly different service lives, and which may not be distinguished by the serial number identification which was originally intended to serve this purpose. Specifically, the nominal situation is as presented below:

Anti-node bar Serial No.	Thread style	Service life[1]
3396 through 4260	Cut	2500
4261 and subsequent	Rolled	6670

[1] Service life per T.C. data sheets 4H10 and 4H11 (hours' time and service).

Reports have been received of serveral anti-node bars with cut thread end fittings with serial number identification (above 4260), which would indicate a longer service life than that substantiated for the cut thread configuration. Continuation of the cut thread anti-node bar configuration in service beyond 2500 hours constitutes an unsafe condition which could result in fatigue failure of the anti-node bar and loss of the rotocraft. Since this condition is likely to exist or develop in other helicopters of the same type design, an airworthiness directive is being issued which requires inspection of the main rotor anti-node rod threads for configuration, and removal from service of over-age anti-node bars on Hiller Model UH-12 Series Helicopters.

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

Adoption of the Amendment

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

Hiller Helicopters: Applies to Hiller Model UH-12D, UH-12E and UH-12 (4 place) helicopters including military models UH-23D, OH-23G, H-23F and turbine-powered models, equipped with main rotor blade assembly, Parsons P/N 2253-1101-03 or 2253-11-01-04 certificated in all categories.

Compliance is required as indicated, unless already accomplished.

To prevent fatigue failure of the main rotor blade anti-node bars accomplish the following:

a. Before the accumulation of 2,500 hours' time in service, or within 10 additional hours' time in service on main rotor blades with 2,500 or more hours' time in service on the effective date of this AD, whichever occurs sooner, inspect the threaded ends of the anti-node bar per instructions specified in Part II accomplishment instructions of Hiller Aviation Service Bulletin No. 51-5 dated January 22, 1980, to determine whether the threads are rolled or cut.

b. If the anti-node bar thread inspection of paragraph (a) of this AD reveals that the bar has cut threads, remove the anti-node bar from service and replace with like serviceable part in accordance with paragraph 4.55 of the UH-12E Structural Repair Manual.

c. If the inspection of paragraph (a) of this AD does not provide satisfactory evidence that the threads are either cut or rolled, remove the rod from service and replace with a like serviceable part.

d. If the inspection of paragraph (a) of this AD reveals that the bar has rolled threads and the total time on the bar is less than 6,670 hours, reinstall the bar in accordance with the instructions of paragraph 4.55 of the UH-12E Structural Repair Manual.

Note.—Caution: Use extreme care in reinstalling the anti-node bar assembly to ensure that the screws attaching the anchor nut to the anti-node bar are not sheared during insertion. Hand pressure is the maximum force allowed in installing the anti-node bar.

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

f. Alternative inspections, modifications or other actions which provide an equivalent

level of safety may be used when approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment becomes effective March 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)); and 14 CFR 11.89)

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

W. R. Frehse,

Acting Director, FAA Western Region.

[FR Doc. 80-9167 Filed 3-26-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 79-RM-28]

Alteration of Control Zone and Transition Areas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the control zone and 700' and 1,200' transition areas at Rawlins, Wyoming, to provide additional controlled airspace for aircraft executing the new VOR/DME runway 22 standard instrument approach procedure (SIAP) and new departure procedure developed for the Rawlins Municipal Airport, Rawlins, Wyoming.

EFFECTIVE DATE: 0901 G.m.t. May 15, 1980.

FOR FURTHER INFORMATION CONTACT: Pruett B. Helm, Operations, Procedures and Airspace Branch, Air Traffic Division, ARM-500, Federal Aviation Administration, Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colorado 80010; telephone (303) 837-3937.

SUPPLEMENTARY INFORMATION:

History

On Monday, January 28, 1980, the FAA published for comment (45 FR 6408) a proposal to alter the control zone and 700' and 1,200' transition areas at Rawlins, Wyoming. As a result of this proposal, only two comments were received which expressed no objections.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (FARs) alters the Rawlins, Wyoming, control zone and 700' and 1,200' transition areas. This action is necessary to provide additional controlled airspace for aircraft executing the new VOR/DME runway 22 standard instrument approach procedure and new departure procedure developed for the Rawlins Municipal Airport, Rawlins, Wyoming.

Drafting Information

The principal authors of this document are Pruett B. Helm, Operations, Procedures and Airspace Branch, Air Traffic Division, and Daniel J. Peterson, Office of Regional Counsel.

Adoption of the Amendment

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

By amending Subpart F, § 71.171 (45 FR 356) so as to alter the following control zone to read:

Rawlins, Wyo.

With a 5-mile radius of Rawlins Municipal Airport (latitude 41°48'15" N., longitude 107°12'05" W.) and within 5 miles north and 3.5 miles south of the 089° bearing from the Sinclair radiobeacon (latitude 41°48'24" N., longitude 107°05'06" W.) extending from the 5-mile radius area to 2.5 miles east of the radiobeacon. This control zone is effective during the specific dates and times established in advance by a "Notice to Airmen." The effective date and time will, thereafter, be continuously published in the Airport/Facility Directory.

By amending Subpart G, § 71.181 (45 FR 445) so as to alter the following transition area to read:

Rawlins, Wyo.

That airspace extending upward from 700' above the surface within the 9-mile radius of the Rawlins Municipal Airport (latitude 41°48'15" N., longitude 107°12'05" W.) and within 5 miles each side of the 089° bearing from the Sinclair radiobeacon (latitude 41°48'24" N., longitude 107°05'06" W.) extending from the radiobeacon to 11.5 miles east; that airspace extending upward from 1,200' above the surface within 13 miles south and 8 miles north of the Cherokee VORTAC (latitude 41°45'21" N., longitude 107°34'53" W.) 261° radial extending on the north from the west edge of V-26 and on the south from the south edge of V-4 to a point 23 miles west of the Cherokee VORTAC; and that airspace east of the Cherokee VORTAC within an arc of the 46-mile radius circle centered on the Cherokee VORTAC bounded on the north by the north edge of V-26 and on the south by V-4.

By amending Subpart G, § 71.181 (45 FR 445) so as to *delete* the following transition area:

Cherokee, Wyo.

That airspace extending upward from 1,200' above the surface within 9 miles south and 6 miles north of the Cherokee VORTAC 261° radial extending from 8 miles east to 19 miles west of the VORTAC; and that airspace east of the Cherokee VORTAC within an arc of a 37-mile radius circle centered on the Cherokee VORTAC bounded on the north by the north edge of V-26 and on the south by the south edge of V-4, excluding that airspace within the Rawlins, Wyoming transition area.

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

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

Issued in Aurora, Colorado on March 12, 1980.

Isaac H. Hoover,

Acting Director, Rocky Mountain Region.

[FR Doc. 80-9165 Filed 3-26-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 79-ASW-63]

Alteration of Transition Area; Houma, La.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of the action being taken is to alter the transition area at Houma, La. The intended effect of the action is to provide additional controlled airspace for aircraft executing instrument approach procedures to the Houma-Terrebonne Airport. The circumstance which created a need for the action is that a review of the current transition area revealed the controlled airspace is not properly described and inadequate for the protection of aircraft executing instrument approach procedures. In addition, higher performance aircraft are utilizing the airport which require additional controlled airspace.

EFFECTIVE DATE: May 15, 1980.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone 817-624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

History

On January 21, 1980, a notice of proposed rulemaking was published in

the **Federal Register** (45 FR 3919) stating that the Federal Aviation Administration proposed to alter the Houma, La., transition area. Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the Federal Aviation Administration. No objections were received to the proposal. Except for editorial changes, this amendment is that proposed in the notice.

The Rule

This amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) alters the Houma, La., transition area. This action provides controlled airspace for the protection of aircraft executing instrument approach procedures to the Houma-Terrebonne Airport.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (45 FR 445) is amended, effective 0901 G.m.t., May 15, 1980, as follows.

In Subpart G, § 71.181 (45 FR 445), the Houma, La., transition area is amended by deleting the present description and substituting the following:

Houma, La.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Houma-Terrebonne Airport (latitude 29°34'03"N., longitude 90°39'37"W.) and within 2 miles each side of the 123° radial of the Tibby VORTAC (latitude 29°39'51"N., longitude 90°49'44"W.) extending from the 6.5-mile radius area to the VORTAC.

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

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

Issued in Forth Worth, Tex., on March 14, 1980.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 80-9169 Filed 3-26-80; 8:45 am]

BILLING CODE 4910-13-M

CIVIL AERONAUTICS BOARD

14 CFR Part 221

[Reg. ER-1171; Amdt. No. 52 to Part 221; Docket Nos. 33113, 36202]

Statutory Notice for Tariff Filings; Special Tariff Permission To File on Less Than Statutory Notice

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: Airlines must file tariffs with the CAB, stating their prices and practices. These tariffs are ordinarily required by statute to be filed at least 30 or 60 days before they become effective. In this rulemaking the CAB (1) clarifies the scope of these "statutory notice" requirements; (2) establishes an alternative, 25-day statutory notice requirement for tariffs that are filed to match competition; and (3) liberalizes its policies on granting Special Tariff Permission to file on less than statutory notice. The liberalization is designed to speed up the introduction of innovative price reductions, and to eliminate delays of fare reductions and increases that the CAB has no authority to disapprove. This rulemaking also reflects changes in tariff filing deadlines that were made by the International Air Transportation Competition Act. These rules are adopted on the CAB's initiative.

DATES: Adopted: March 20, 1980. Effective: March 20, 1980.

FOR FURTHER INFORMATION CONTACT: Mark Schwimmer, Office of the General Counsel, 202-673-5442; or Robert Klothe, Bureau of Domestic Aviation, 202-673-6064, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUPPLEMENTARY INFORMATION:

Introduction

The Federal Aviation Act of 1958 requires airlines to file tariffs with the Board, describing the prices for the air transportation that they provide, and their practices ("classifications, rules, regulations, practices, and services") in connection with that air transportation (section 403(c)). Tariffs stating practices are often referred to as "rules tariffs," but should not be confused with proposed and final rules (regulations) adopted by the Board.

This issuance deals with the amount of notice that an airline must provide before a tariff may become effective. Section 403(c) of the Act specifies 60 days for some cases and 30 days for others, and explicitly authorizes the Board to establish an alternative notice requirement of 25 days for tariffs that match prices already filed in another airline's tariff. Instead of waiting out these "statutory notice" periods, airlines may in some cases obtain Special Tariff Permission from the Board to file on shorter notice, often as little as 1 day before a tariff's effective date.

This issuance is a final rule that concludes two distinct Board proceedings. The first is about the 60- and 30-day statutory notice requirements, and began with a final rule (ER-1104; 44 FR 9576; February 13, 1979) that was effective immediately and accompanied by a request for public comments (EDR-372/PDR-61; Docket 33113; 44 FR 9579; same date). The second proceeding is to establish the 25-day alternative statutory notice requirement for matching tariffs and to liberalize Board policies on granting Special Tariff Permission. It began with a notice of proposed rulemaking (EDR-386/PSDR-62; Docket 36202; 44 FR 44549; July 30, 1979).

I: The 60- and 30-Day Statutory Notice Requirements (ER-1104)

Background

ER-1104 was a final rule amending the advance notice provisions in our rule on tariff filing deadlines, 14 CFR 221.160(a), to resolve ambiguities and conform to changes made by the Airline Deregulation Act of 1978. A brief discussion of our authority over tariffs will aid in understanding ER-1104.

Before the Deregulation Act, we could suspend a tariff that stated a price or practice we suspected to be unlawful and, after an investigation and hearing, we could find the price or practice to be unlawful. If it was for international transportation, we could prohibit its use, and if for domestic, we could replace it with a prescribed lawful price or practice. For a price or practice to be unlawful, it had to be found either (a) unjust or unreasonable, or (b) unjustly discriminatory, unduly preferential, or unduly prejudicial.

While airline deregulation bills were being considered by Congress, we began a policy to encourage fare flexibility. In PS-80, we voluntarily established a broad zone within which we would ordinarily not suspend domestic passenger fares (43 FR 39522; September 5, 1978).

Then, the Deregulation Act amended the Federal Aviation Act ("the Act") to create a zone of reasonableness for domestic passenger fares. Similar to but somewhat narrower than the PS-80 zone, the statutory zone ranges from 50 percent below, to 5 percent above, a standard industry fare level. (For monopoly markets, the standard

industry fare level is the maximum.) Within this zone we can no longer find a fare unjust or unreasonable on the basis that the fare is too low or too high, except in the rare case that we find a decreased fare to be predatory. At the same time, our *suspension* power over domestic passenger tariffs was limited to those that we have authority to find unjust or unreasonable. Thus we can still find a fare within the zone to be unlawful on other grounds, but we cannot suspend the tariff while the investigation and hearing are in progress.

Congress was also concerned about the disruption to airlines and the traveling public that could occur when we exercise what is left of our suspension power. To minimize this, the Deregulation Act added a general requirement, not limited to domestic passenger fare tariffs, that we give an airline 30 days' notice when suspending its tariff (new section 403(c)(3)). To preserve a 30-day period before that so we can consider new tariff filings and decide whether suspension is necessary, the airline filing deadlines in section 403 (c)(1) and (c)(2) were amended to establish a 60/30 day scheme. The full text of section 403(c), as amended by the Airline Deregulation Act of 1978, Pub. L. 95–504, is—

(c)(1) Except as provided in paragraph (2) of this subsection, no change shall be made in any rate, fare, or charge, or any classification, rule, regulation, or practice affecting such rate, fare, or charge, or the value of the service thereunder, specified in any effective tariff of any air carrier until thirty days after notice of the proposed change has been filed, posted, and published in accordance with subsection (a) of this section, except the Board may establish an alternative notice requirement, of not less than twenty-five days, to allow an air carrier to match the fares or charges specified in another air carrier's proposed tariff. Any notice specified under this subsection shall plainly state the change proposed to be made and the time such change will take effect.

(2) If the effect of any proposed tariff change would be to institute a fare that is outside of the [zone of reasonableness] or would be to institute a fare to which such range of fares does not apply, then such proposed change shall not be implemented except after sixty days' notice filed in accordance with regulations prescribed by the Board.

(3) In exercising its power to suspend tariffs under sections 1002(g) and 1002(j) of this Act, the Board shall file and deliver a statement in writing of its reasons for such suspension, as required under section 1002(g), at least thirty days before the date on which the affected tariff would otherwise go into effect.

The Interpretation in ER–1104

For a tariff that states a domestic passenger fare outside the zone of reasonableness, or any international passenger fare not otherwise governed by a bilateral agreement, Congress clearly intended to require filing on 60 days' notice. Similarly, a tariff stating a domestic passenger fare within the zone, which we cannot suspend, may be filed on 30 days' notice. A literal reading of subsections (c)(1) and (c)(2) would also allow 30-day filing for many tariffs that are still subject to Board suspension, namely those stating practices or international cargo rates. (All filing of domestic cargo tariffs—rates and practices—was eliminated by ER–1080; 43 FR 53628; November 16, 1978; and ER–1094; 44 FR 6634; February 1, 1979.) But that reading of the filing requirements, when combined with the requirement in (c)(3) that we give an airline 30 days' notice when suspending under section 1002, would frustrate the exercise of our remaining responsibilities, a result that Congress could not have intended.

To resolve this ambiguity, we concluded that the statute should be read as if section 403(c)(2) had explicitly mentioned "rates," "charges," and "classifications, rules, regulations, practices, and services" along with fares. This interpretation was announced in ER–1104, which amended 14 CFR 221.160(a) to allow 30 days' notice for domestic passenger fares within the zone and require 60 days for all other tariffs. ER–1104 was the type of final agency rule for which prior notice and comment were not legally necessary. We decided to invite public comments nonetheless, with a view toward possible further amendments (EDR–372/PDR–61).

Two comments were filed. Trans World Airlines did not address the statutory notice requirement, but instead asked that we clarify our policies on Special Tariff Permission. This subject is discussed below in Part II of this issuance.

The other commenter, British Caledonian Airways, Ltd. (BCal), objected to ER–1104 on both procedural and substantive grounds. We reject BCal's legal challenges, but its comment has prompted us to revise one aspect of our statutory interpretation.

The Procedural Objection

BCal stated, without any further discussion, that

the procedure employed by the Board in promulgating new substantive rules (ER–1104) with immediate effect but without prior public notice or opportunity for comment is simply unlawful.

We assume that BCal was referring to the informal rulemaking provisions of the Administrative Procedure Act, 5 U.S.C. 553. That section generally requires notice and an opportunity for public comment before an agency adopts a rule, and a delayed effective date. But there are several exceptions, including two for interpretative rules. Interpretative rules are "statements as to what the administrative officer thinks the statute or regulation means." *Gibson Wine Co.* v. *Snyder*, 194 F.2d 329, 331 (D.C. Cir. 1952). In ER–1104, we amended the filing deadlines set out in Part 221 merely to reflect changes already made by the Deregulation Act, including an interpretation of those changes made necessary by ambiguities in the statute. Such a rule is plainly "interpretative." This justifies both the omission of prior notice and comment (section 553(b)(A)) and the immediate effective date (section 553(d)(2)).

Even if ER–1104 were not an interpretative rule, the procedure that we followed would have been fully justified on other grounds. The changes in the statutory filing periods and suspension notice requirements had become effective immediately upon passage of the Deregulation Act, on October 24, 1978. In the 3 months after that, there had been increasing uncertainty about how we would exercise our important substantive tariff review functions. In adopting ER–1104 to remove this uncertainty, we found for good cause that notice and public procedure were not only impracticable but contrary to the public interest (section 553(b)(B)), and that an immediate effective date was necessary (section 553(d)(3)). The growing risks include the frustration of pricing innovation, the prejudice of important procedural rights, and the prospect of public confusion should we have to suspend tariffs prematurely or after they had become effective. The need for immediate action was clear.

The Substantive Objection

BCal argued that in ER–1104 we had interpreted the Deregulation Act incorrectly by requiring 60 rather than 30 days' notice for rules tariffs, instead of merely for certain fares and rates. It stated in effect that we ignored the plain meaning of section 403(c)(1) and (c)(2). It also contended that the legislative history indicates Congressional intent that 30 days be the "general" requirement, with a 60-day exception only for pricing tariffs not covered by the zone of reasonableness.

But BCal itself departs from a literal reading of the statute in at least two ways. First, it apparently agrees with our view that the reference to "fare" in the 60-day notice provision (section 403(c)(2)) encompasses not only passenger fares but also international cargo rates. Second, BCal would even include some tariff rules in that provision. It distinguishes between rules that "appear in a rules tariff" and rules that are "textual provisions appearing in a fares or rates tariff which prescribe how the pricing provisions are to be constructed or applied." It assumes that such price-related rules would also have to be filed a full 60 days in advance whenever that notice period is required for the associated fare or rate.

More important, BCal's argument ignores entirely the reasons for our interpretation. The new filing deadlines simply cannot be read in isolation. They must be reconciled with the Deregulation Act's equally specific provision requiring 30-day notice of suspensions, in a manner that is consistent with the general intent of the Federal Aviation Act as a whole.

In fact, a too literal reading would present a significant obstacle to the full discharge of our continuing regulatory responsibilites, which contemplate the suspension of questionable tariffs before they would become effective. Under BCal's interpretation, any domestic or international tariff rule could be filed by an airline on 30 days' notice, leaving little or no time for analysis of the filing, much less effective Board action. For a domestic tariff, our options would be limited to (1) immediate suspension, subject to a possible reinstatement, or (2) invoking section 1002(g) of the Act to suspend as little as 15 days before the tariff's effective date. For an international tariff, the options would be (1) similar immediate suspension, (2) invoking a bilateral agreement that allows suspension on less than 30 days' notice (available only if such an agreement exists), and (3) invoking section 1002(j)(2) to suspend the tariff after it has become effective (available only if that is not prohibited by a bilateral).

None of these options would successfully harmonize the need for adequate time for complaints, answers, and our analysis with an equally important Congressional goal: to avoid the disruption often caused by the suspension of a tariff shortly before its effective date or, even worse, after it has already become effective. We believe that Congress did not intend to allow such late suspension any more than was necessary when it amended the filing deadlines. Rather, the general evolution of section 403(c) since 1938 shows that Congress has consistently followed a policy of allowing the Board a reasonable time to receive complaints and answers and to review suspendable tariff material.

Congress has historically given the Board 30 days for this. Until 1977, airlines could file any tariff on as little as 30 days' notice, but we did not have to give prior notice when suspending. Then, when it enacted the cargo deregulation amendments, Pub. L. 95–163, Congress amended the scheme for all tariffs. It required us to give notice of suspension at least 15 days before a tariff's effective date but, rather than letting that shrink our review period, it moved the filing deadline to 45 days for most tariffs and 60 days for the rest. (The 60 days were for direct carrier cargo tariffs, with the express purpose of giving indirect cargo carriers advance notice of rate changes before their tariffs had to be filed on 45 days' notice.)

The legislative history of the 1977 amendments makes clear the Congressional purpose in increasing the filing period to at least 45 days. The House Report on a bill that led to those amendments stated:

> Testimony at the hearing indicated that in most cases the fault for last minute decisions does not lie with the CAB. The economic considerations underlying proposed fare changes are frequently complex and the process requires that interested persons have an opportunity to file comments with the CAB on a proposed change. Thirty days is not an unreasonable period for the CAB to analyze the voluminous pleadings it receives and to prepare and issue its decisions. Thus, *the solution to the problem is not to shorten the period for CAB action, but to move back the dates for both carrier filing and CAB decision, preserving the 30 day period for CAB action.* (Emphasis added.) (H.R. Rep. No. 95–014 on H.R. 26, p. 2.)

Nothing in the legislative history of the Airline Deregulation Act of 1978 or the recently passed International Air Transportation Competition Act suggests that Congress has reversed either its longstanding policy or its express findings on this point. It is more reasonable to read the Deregulation Act's 60/30 day scheme as indicating a basic Congressional intent to key 30-day filing to tariffs that could not be suspended, while requiring 60 days for all or most suspendable ones, so that we would continue to have enough time to review them in the face of the new 30-day suspension notice requirement. This approach best meets the requirements of sound statutory construction.

We are not dissuaded by BCal's reference to the Conference Report on the Deregulation Act (H.R. Rep. No. 95–1779, p. 69). All that can be gleaned from that brief description is a statement that "generally" an airline proposing a tariff change shall file on 30 days' notice. It is difficult to reconcile this sole reference to 30-day filing with the specific language of the 1977 House report. More plausible is that "generally" merely refers to the likelihood that most domestic passenger fare tariff filings will fall within the zone of reasonableness, and come under the 30-day provision for that reason. In any event, it is most unlikely that Congress would have intended to undercut its longstanding protection of the 30-day period for Board review of suspendable tariff filings, particularly without any discussion at all of the competing factors that would have prompted the change.

Revised Interpretation

Although we are not adopting BCal's suggested approach to filing deadlines, its comment has identified a potential ambiguity in the way that we stated our interpretation in ER–1104. Tariff rules that state practices or conditions of general applicability are subject to suspension, and should be filed on 60 days' notice. Examples of these rules include those relating to freight damage claims, baggage liability, rerouting, denied boarding compensation, interrupted trip amenities, and check-in times. These are usually located, as BCal noted, in a separate "rules tariff."

On the other hand, tariff rules that restrict, condition, or otherwise specifically affect a particular fare or rate are often considered to be a part of the fare or rate itself. Examples include advance purchase requirements, cancellation penalties, and other marketing restrictions on discount fares. When these rules are not separable from a specific fare or rate, they undoubtedly should be subject to the same filing deadline as the fare or rate itself.

We are therefore clarifying § 221.160(a) to state that when a rule applies only to a specific fare within the zone of reasonableness, it may be filed on 30 days' notice. All other tariff rules, including those that affect fares both within and outside the zone, must be filed on 60 days' notice. The fact that a rule is placed in a tariff stating a fare within the zone, rather than in a general "rules tariff," will ordinarily indicate that it qualifies for 30-day filing. This will not be conclusive, however, since the placement is largely within the control of the filing airline. The essential question is whether the rule is in substance so closely related to the fare that they cannot be separated.

This clarifying amendment of § 221.160(a) is interpretative, so notice and public procedure are unnecessary and it may become effective immediately.

International Act

The President has recently signed the International Air Transportation Competition Act, Pub. L. 96–192. This Act established a zone of reasonableness for international passenger fares that is much like the existing domestic one. To complement the new zone, the Act also amended the filing deadlines in section 403(c) to bring international tariffs under the same 60/30 day scheme as domestic tariffs. We are revising § 221.160(a) to conform to that change. This amendment is also interpretative, so notice and public procedure are unnecessary and it may become effective immediately.

II: 25-Day Statutory Notice for Matching Tariffs And Special Tariff Permission

In notice of proposed rulemaking EDR–386/PSDR–62 ("the NPRM"), we proposed to establish a 25-day alternative statutory notice period for matching tariffs and to liberalize our policies on granting Special Tariff Permission ("STP"). Twenty-one comments were filed, by airlines, a group of shippers, 14 travel agents and an agents' organization, and the Commonwealth of Puerto Rico. A list is attached as an appendix. The comments are addressed by subject matter in the following discussion. We have decided to adopt the rule as proposed, except for editorial changes and others discussed below.

25-Day Statutory Notice for Matching Tariffs

In addition to the 60- and 30-day advance filing requirements in section 403(c) of the Act, section 403(c)(1) explicitly authorizes the Board to establish a 25-day alternative filing requirement for tariffs that match prices already filed in another airline's tariff. We proposed to allow such filings for fare and rate reductions, as long as the matching tariffs were scheduled to become effective on the same day as the original tariff. A competitor would have 5 days to match a 30-day filing, and 35 days to match a 60-day filing. If the competitor did not file in time, then it would have to wait the full 30- or 60-day period, as applicable. Thus, the initiating airline would have at least a 5-day marketing advantage. By allowing the simultaneous matching of low price initiatives, but only if the competitor acts quickly, this approach would simulate the conditions to be expected after tariffs are eliminated in 1983.

The commenters generally favored an easing of filing requirements for matching tariffs, but Delta Air Lines and American Airlines suggested that we go further than the NPRM. Delta suggested a 20-day requirement instead of 25, to give competing airlines more time to prepare their matching tariffs. Delta and American both suggested that we drop the proposed condition that the matching tariff must become effective on the same day as the original one. That way, a matching tariff could be filed 7 days after the original filing, for example, to become effective 2 days later than the original. American argued that airline costs would be increased if tariff preparation and filing had to be completed within 5 days.

We have decided to adopt the 25-day provision for matching tariffs as proposed. Although a rule without the requirement that the matching tariff have the same effective date may be simpler and less burdensome for the airline filing it, these are not the only considerations. During this interim period before complete deregulation, there are compromises to be made between free market practice and regulating airlines' attempts to compete. The more freedom that competitors have to match price reductions, the sooner the public will have the benefit of those reductions. On the other hand, the marketing advantage gained by the first airline to propose the reductions gives an incentive for innovation. On balance, we feel that the trade-off in the proposed approach is the right one at this time.

Delta also asked that we include a provision to allow U.S. airlines to match tariffs that Canadian airlines, under the U.S.-Canada bilateral agreement, can file on 30 days' notice. They can do this without further change in the proposed rule. It appears from the comment, however, that Delta's real request is for a blanket reduction of the advance filing period for U.S.-Canada tariffs to 30 days. We did that by a 2-year blanket exemption in Order 80–1–169, January 25, 1980.

Special Tariff Permission

The NPRM. Historically, we granted Special Tariff Permission to file on less than statutory notice only in limited cases, such as correcting clerical errors or for tariffs covering newly authorized transportation. We recently began to expand the grounds, case by case, to allow the speedy introduction of lower fares. The NPRM was designed to establish a uniform policy on this subject and remove unneeded regulatory obstacles to a more competitive and dynamic pricing system.

We tentatively concluded that the statutory changes made by cargo deregulation in 1977 and the Airline Deregulation Act of 1978, coupled with increasing competition in the airline industry, made it in the public interest to allow airlines more flexibility to change their tariffs on short notice, especially when offering reduced fares or rates. The NPRM proposed to establish by rule a policy of granting STP for prices within a statutory or Board-established zone of presumed lawfulness, and for price reductions that do not raise significant questions of lawfulness, even if the resulting prices are below an applicable zone. These are tariffs that we would not, and in most cases legally could not, suspend. The policy change would let airlines' pricing actions more closely approximate those in an unregulated environment, and limit the statutory notice requirement to those tariff filings for which it serves a real purpose. Also, to the extent that airlines took advantage of the new policy, it would reduce the incidence of price signalling, an anticompetitive side effect of long notice periods.

A proposed price reduction would present a significant question of lawfulness if under current Board or statutory guidelines it appeared likely to be found predatory, unjustly discriminatory, unduly preferential, unduly prejudicial, or (for reductions below the applicable zone) unjust or unreasonable. The NPRM contemplated the following procedure for these situations: If it appeared likely that such questions would be raised, we would deny STP and invite the airline to file the tariff with the applicable statutory delayed effective date (60 or 30 days away) along with a separate STP request to advance that effective date. That way we could receive any public objections during the standard 10-day period for complaints against a tariff (14 CFR 302.505). If we then decided to allow the price reduction, we could grant the STP request to advance the effective date. If the issues were still not clear enough after that initial review, we could let the statutory period continue to run (that is, deny the STP request) and issue an order, as we have done in the past, either approving the tariff or suspending it. We would do our best to grant or deny the STP request within 15 days after it was filed.

The NPRM used the term "clearly established zone," in order to encompass both existing and future statutory and Board-established zones. Statutory zones would include the one

for domestic fares created by the Deregulation Act and the similar international one that has since been created by the International Air Transportation Competition Act. We had already voluntarily established a broader zone for passenger fares in continental U.S. markets (PS–80) and proposed similar ones for flights between the mainland and Hawaii, Puerto Rico, and the Virgin Islands. Since issuing the NPRM on Special Tariff Permission we have also proposed a similar zone for Alaska and range of flexibility for international cargo rates (PSDR–65; Docket 37444; 45 FR 3595; January 18, 1980).

Comments and response. American and World Airways opposed the NPRM on legal grounds. They argued that we no longer have authority to grant STP because the explicit authorization in section 403(c) was eliminated by the Deregulation Act. We disagree. That amendment cannot be read in isolation. The Deregulation Act also amended section 416 to substantially broaden our general exemption authority. Since that section now allows us to exempt any person or class of persons from any provision of Title IV of the Act when the exemption is "consistent with the public interest," no specific statutory mention of STP authority in section 403 is necessary. The amendment of section 416 continued that authority without interruption. And for the reasons discussed above and in the NPRM, we find it consistent with the public interest to grant STP in the situations described in this final rule.

World also asked that we defer action in this rulemaking while the U.S. Court of Appeals was considering its petition for review of Order 79–6–195. In that order we had dismissed World's complaint against tariffs filed on short notice by some of its competitors. World's petition has since been dismissed by the Court of Appeals, however, mooting the request for delay (D.C. Cir.; Case No. 79–1591; October 23, 1979).

Some of the commenters opposed an STP liberlization on practical grounds. As we stated in the NPRM,

> We are aware of complaints by travel agents that frequent changes in fares on short notice can be disruptive to their operations and, eventually, their customers. In general, we believe that it is the carrier's responsibility to ensure that notice of new fares is adequately disseminated to its agents, the length of regulatory notice nothwithstanding. We welcome any comments as to the effect of our proposed policies on the travel agent industry.

American Airlines, the American Society of Travel Agents, and the individual travel agents responed that a substantial lead time is needed to market new fares, particularly for alerting travel agents. Some of the agents argued that the advance notice period for tariff filings should be increased, not decreased. These commenters have not persuaded us to depart from the proposed approach. No airline will be required to file on short notice. We believe that each one should be able to make its own judgement about the amount of notice needed to market a new fare. The amount of notice actually needed for any particular fare is likely to vary, depending on the nature of the fare and the airline involved. Each airline will necessarily adopt its own marketing strategy, designed to inform the public about the new fare and equip its agents to sell it. Each airline has a strong interest in performing these tasks as efficiently as possible. To the extent that the airlines may not succeed in minimizing travel agent disruption, the remaining problem would not justify a regulatory requirement of notice. The prospect of innovative low fares being delayed and other anticompetitive side effects would make that solution worse than the problem.

Puerto Rico favored STP for fare reductions, but objected to allowing it for increases, even where the increase is within a zone of presumed lawfulness. Puerto Rico stated that this policy would subject its markets to fare increases without an opportunity for it to comment. But we have no legal authority to question the resonableness of a price increase within the statutory zone. The Commonwealth's primary concern appears to be with the broader zone for mainland-Puerto Rico markets that we proposed to establish in EDR–366/PDR–58/PSDR–52 (Docket 33836; 43 FR 51641; November 6, 1978). We are considering its comments in that proceeding. If we adopt that proposal, it will amount to a finding that fare increases within it are so likely to be lawful that they should not be suspended. Other than mere delay, therefore, little purpose would be served by requiring full statutory notice for price increases within a zone.

Since the STP policies described in the NPRM technically encompassed any zone of flexibility that might be created in the future, the Electronics Shippers and the Flying Tiger Line focused on international cargo rates. Flying Tiger suggested that we expressly liberalize our tariff policies in this area. The Electronics Shippers, on the other hand, opposed liberalized STP for cargo tariffs. They argued that it would undermine the notice, complaint, and review process that they believe is necessary to protect shippers in most international markets. After those comments were filed, we issued PSDR–65, proposing to establish a range of flexibility for international cargo rates and explicitly addressing the subject of Special Tariff Permission. We have decided to consider our policy on STP for cargo rate *increases* in that rulemaking proceeding. Cargo rate STP for rate *reductions*, however, is included in this final rule.

We are not similarly deferring action on international passenger fares. Legislation to establish zones of reasonableness for these fares was already being considered in Congress when the NPRM was issued, so STP policy for them was not only technically but practically within the scope of the proposal. Moreover, to the extent that the NPRM may be considered as not having given fair notice of the possiblity that the proposed policies would apply to international fares within the not-yet-established zone, we find that notice and opportunity for comment were unnecessary within the meaning of 5 U.S.C. 553(b), because the legal issues are the same. Airlines should note that the STP policy adopted here does not eliminate any requirement that they obtain special permission from another country for short notice tariff filings affecting that country.

The changes in our STP procedures are reflected in § 221.190 and in an amendment of 14 CFR Part 399, *Statements of General Policy*, that is also adopted today (PS–91). We are also adding a sentence in Part 399 to clarify that we will not grant STP to match a tariff that was filed on statutory notice. If the initial airline is willing to forgo short notice filing, other airlines must file their matching tariffs on the 25-day alternative statutory notice established for that purpose.

Notification to Interested Parties of STP Applications

The NPRM proposed toi require an airline to give telegraphic notice to its competitors whenever it asked for STP for a price reduction that appeared to raise significant questions of lawfulness. Then, as an interim measure, we required all airlines asking for STP believed to be controversial to give telegraphic or hand-delivered notice to all parties substantially affected by the proposed tariff change (Order 79–8–136, August 24, 1979). The order required that notice be given when the application if filed at the Board.

Only two of the commenters addressed this subject. Puerto Rico

asserted that airlines proposing price changes that affect the Commonwealth should be required to serve it, as well as competing airlines, whenever the change is an increase, whether within or outside the zone. Puerto Rico argued that its interest in the fare level to the Commonwealth is as great as, or greater than, that of a competing airline.

We see no need to require actual notice for fare changes, including increases, that are inside the statutory zones of reasonableness. We have no power to suspend domestic fares within the zone, and cannot suspend international fares within the zone on grounds of economic unreasonableness. We find that the burden of requiring any special notice in these cases outweighs any potential benefit to our remaining investigatory powers or to the normal mechanisms for disseminating pricing information to the traveling public.

To ensure fairness to potential complainants, however, we are requiring notice when STP is requested for a fare outside of the statutory zones. We are also continuing the standard used in Order 79–8–136, since (1) even a fare reduction within a zone might raise a significant question of lawfulness, (2) the zones do not apply to rules tariffs, and (3) no zone has been established yet for cargo rates. Therefore, notice must be given whenever the airline has reason to believe the tariff will be controversial. Since granting STP is discretionary, we can protect procedural fairness by withholding it whenever we are not satisfied that adequate notice has been given.

We also agree that civic parties in an area that would be particularly affected (such as Puerto Rico in the case of a fare involving that market) should be given the same notice as competing airlines. In some cases, however, telegraphic notice to affected civic parties may be impractical. For example, the burden might be unreasonable in the case of a system-wide fare, involving hundreds of communities. In these situations, we will allow alternative notice, such as advertising, that would have the practical effect of advising civic parties of the airline's proposed price changes. The alternative must be approved by the Board's Tariffs Division.

The requirement to notify civic parties creates no significant burden, and it is important to specify our STP policy without delay. We therefore find that, to the extent this requirement may be considered outside the scope of the NPRM, notice and opportunity for comment were unnecessary and contrary to the public interest.

To further ensure fairness to persons who would be adversely affected by a tariff change, the Tariffs Division will forward to the Bureau of Consumer Protection a copy of any STP application that appears likely to be controversial. In addition, if there are readily identifiable representatives of those persons (for example, an organization of shippers), the Tariffs Division will make sure that the airline has also notified those representatives.

Finally, Delta recommended that, instead of all airlines serving the markets affected by an STP application, an applicant should only have to notify those providing nonstop or single-plane one-stop service. We agree that there would be little value in requiring telegraphic notice to airlines with only a limited interest in the market. We believe, however, that the airlines with a substantial interest in competitors' STP applications are those holding nonstop or one-stop *authority* in the affected markets. The final rule therefore requires notice to these airlines. Applicants must also include in their STP applications a list of the airlines and civic parties that have been notified.

The provisions of this rule are all either interpretative rules, statements of general policy, or substantive rules that relieve a restriction. They can therefore become effective immediately.

Accordingly, the Civil Aeronautics Board retitles and amends 14 CFR Part 221, *Construction, Publication, Filing and Posting of Tariffs of Air Carriers and Foreign Air Carriers*, as follows:

PART 221—TARIFFS

1. Part 221 is retitled *Tariffs* as set forth above.

2. In § 221.160, paragraph (a) is amended to read:

§ 221.160 Required notice.

(a) *Statutory notice required.* Unless otherwise authorized by the Board or specified in a bilateral agreement between the United States and a foreign country, all tariff filings shall be made on the following schedule, whether or not they effect any changes:

(1) At least 30 days before they are to become effective, for tariffs stating a passenger fare within the zone created by section 1002(d)(4) of the Act (interstate and overseas) or the zone created by section 1002(j)(6) (foreign), or stating a rule that affects only such a fare;

(2) At least 25 days before they are to become effective, for matching tariffs that are to become effective on the same date as the tariff to be matched and that meet competition as described in § 221.165(d)(1)(iv); and

(3) At least 60 days before they are to become effective, for all other tariffs.

* * * * *

3. In § 221.190, new paragraphs (b)(5) and (b)(6) are added, to read:

§ 221.190 Grounds for approving or denying Special Tariff Permission applications.

* * * * *

(b) *Grounds for approval.* The following facts and circumstances constitute some of the grounds for approving applications for Special Tariff Permission in the absence of other facts and circumstances warranting denial:

* * * * *

(5) *Fares within a zone.* The fact that a passenger fare is within a statutory or Board-established zone of presumed lawfulness constitutes grounds for approving an application for Special Tariff Permission to file a tariff stating that fare, and any rules affecting only that fare, on less than statutory notice. The Board's policy on approving such applications is set forth in § 399.35 of this chapter.

(6) *Lowered fares, rates, and charges.* The prospective lowering of fares, rates, or charges to the traveling or shipping public constitutes grounds for approving an application for Special Tariff Permission to file on less than statutory notice a tariff stating the lowered fares, rates, or charges and any rules affecting only them. However, the Board will not approve the application if the proposed tariff raises significant questions of lawfulness, as set forth in § 399.35 of this chapter.

(c) [Revoked and Reserved]

4. Also in § 221.190, paragraph (c), *Competition not grounds for approval*, is revoked and reserved.

5. In § 221.191, new paragraphs (e) and (f) are added, to read:

§ 221.191 How to prepare and file applications for Special Tariff Permission.

* * * * *

(e) *When notice is required.* Notice in the manner set forth in paragraph (f) of this section is required when a carrier files an application for Special Tariff Permission to offer passenger fares that would be outside a statutory zone of reasonableness, or to file any tariff that the carrier believes is likely to be controversial.

(f) *Form of notice.* When notice of filing of a Special Tariff Permission application is required by paragraph (e) of this section, the carrier shall, when it files the application, give immediate telegraphic notice or other notice approved by the Chief of the Tariffs Division, Bureau of Domestic Aviation, to all certificated and foreign route

carriers authorized to provide nonstop or one-stop service in the markets involved, and to civic parties that would be substantially affected. The application shall include a list of the parties notified.

(Secs. 204, 403, 416, 1002, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 758, 771, and 788, as amended (49 U.S.C. 1324, 1373, 1386, and 1482))

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

Appendix—Comments on EDR-386/PSDR-62 Were Filed By:

American Airlines
American Society of Travel Agents
Associated United Services
Commonwealth of Puerto Rico
Cranston Travel
Dayton's Travel Service
Delta Air Lines
Electronics Shippers (on behalf of 14 shippers)
Flying Tiger Line
Great Notch Travel & Cruises
Hereford Travel Center
Lee Travel
Lincoln Tour & Travel
Midwest Travel King, Inc.
Moore Tours
Murphy Travel
Riedl Travel Service
Royal Coach Travel Service
Starship Travel
Travel Unlimited
World Airways

[FR Doc. 80-9254 Filed 3-26-80; 8:45 am]

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14 CFR Part 300

[Reg. PR-220; Docket No. 35197; Amdt. No. 4 of Part 300]

Rules of Conduct in Board Proceedings; Public Filing Informal Communications

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB is requiring copies of all filings, in nonhearing cases dealing with essential air service, to be filed with concerned State and local officials, as a result of a comment filed by the State of Arizona.

DATES: Adopted: March 20, 1980. Effective: April 25, 1980.

FOR FURTHER INFORMATION CONTACT: Patrick V. Murphy, Jr., Essential Air Services Division, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, (202) 673-5408.

SUPPLEMENTARY INFORMATION: In April 1979, the Board adopted an interim rule governing the type of notice that carriers must give before discontinuing service as described in sections 401(j) and 419 of the Federal Aviation Act. At the same time, it requested comments on the interim rule. Arizona submitted a comment that dealt primarily with Board procedures for publicly filing informal communications that it may have with interested parties regarding service levels at particular points. Although this matter is not within the scope of the interim rule, it is related, since both informal communications and notice requirements are important in assuring that U.S. communities receive essential levels of service. Arizona's comments affect only procedural matters, and they may therefore be treated without a separate notice of proposed rulemaking. We are adopting Arizona's suggestions in part, as discussed in FR-219, which makes the interim rule final.

The Board will evaluate this rule on the basis of complaints from and informal discussions with State and local government bodies, which it is intended to benefit.

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 300, *Rules of Conduct in Board proceedings,* as follows:

A new paragraph (b)(4) is added to § 300.3 to read:

§ 300.3 Reporting of communications.

* * * * *

(b) *Public filing.* * * *

(4) Copies of all filings under this part dealing with discontinuances or reductions of air transportation shall be mailed to the directly affected local communities, State agencies, and airport managers.

(Secs. 204, 401, 419, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 754, 92 Stat. 1732 (49 U.S.C. 1324, 1371, 1389))

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

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BILLING CODE 6320-01-M

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14 CFR Part 323

[Reg. PR-219; Amdt. No. 2 of Part 323; Docket No. 35197]

Terminations, Suspensions, and Reductions of Service

AGENCY: Civil Aeronautics Board.

ACTION: Finalization of Interim Rule.

SUMMARY: The CAB is making final its interim rule on terminations, suspensions, and reductions of service, with some amendments. This rule concerns the notice that carriers must give before discontinuing certain types of service, and it responds to comments that were requested when the interim rule was adopted.

DATES: Adopted: March 20, 1980. Effective: April 25, 1980.

FOR FURTHER INFORMATION CONTACT: For interstate and overseas air transportation—Patrick V. Murphy, Jr., Essential Air Services Division, Bureau of Domestic Aviation; (202) 673-5408; for foreign air transportation—Regis P. Milan, Jr., Regulatory Affairs Division, Bureau of International Aviation; (202) 673-5092; Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUPPLEMENTARY INFORMATION: On October 24, 1978, Congress enacted the Airline Deregulation Act of 1978, Pub. L. 95-504. Among the changes made by the Act where the addition of sections 401(j) and 419 to the Federal Aviation Act, requiring air carriers to notify the Board, affected communities, and State agencies before reducing or discontinuing certain levels of service. Specifically, section 419 requires all carriers to give notice if they plan to reduce service below what the Board has determined to be the minimum essential level for that point. Certificated carriers or carriers receiving subsidy must give 90 days' notice; others must give 30 days' notice. Section 401(j) imposes additional requirements on certificated carriers. Under section 401(j)(1) they must give 90 days' notice whenever they terminate all service at a point, regardless of the essential level, and under section 401(j)(2) they must give 60 days' notice whenever they terminate the last certificated nonstop or single-plane service between any two points.

The Board has issued interim rules for complying with these notice requirements.[1] The rules were made effective immediately to give everyone the benefit of a uniform guide to their responsibilities, and comments were requested with the intent to issue a final rule taking those comments into account.[2] We have considered the comments in light of experience with the interim rule, and we are now issuing a final rule.

PR-200, the interim rule, defined in detail the notice requirements under the Act, and added under the Board's general rulemaking authority some new notice requirements for foreign service. In addition to the requirements described in the Act, it required carriers to give 60 days' notice of terminations of cargo service to foreign points, and 60

[1] 14 CFR Part 323, adopted in PR-200, 44 FR 20635, April 6, 1979.

[2] PDR-65, 44 FR 20717, April 6, 1979.

days' notice of terminations of single-plane service between a U.S. point and a foreign point regardless of whether it was the last single-plane service in that market.

The interim rule specified the contents of notices and the persons on whom the notices must be served. It established a procedure for persons to object to a notice by asking the Board to prohibit the intended discontinuance of service. It provided exemptions from the section 401(j)(2) notice requirements in certain limited situations. Finally, the interim rule provided special requirements for involuntary temporary suspensions due to emergencies such as strikes and weather conditions.

Comments on the interim rule focused primarily on the exemption provisions and the content and service requirements for notices. There was also some discussion of the requirements for foreign service discontinuances, and a few other lesser issues.[3]

Exemption Issues

The interim rule relieves carriers from filing a 60-day notice of intent to discontinue the last certificated nonstop or single-plane service in a market in three situations: (1) Where the service has been operated less than 4 days per week for at least 90 days, (2) where the service has involved three or more intermediate stops for at least 90 days, and (3) where the service is being operated in one direction only between the two points. Even in these situations, the exemption does not apply if the discontinuance affects essential service to either of the points, and the exemptions do not apply to international flights.

The Airport Operators Council International (AOCI), representing the governmental owners and operators of major public airports, argued that the Board should allow no blanket exemptions from the statutory notice requirements, since service that generally seems minor may still be valuble to a community in some cases.

The air carrier commenters, on the other hand, welcomed the exemptions in the interim rule and suggested several others. Additional exemptions were recommended for flights involving two or more intermediate stops, situations where connecting service (involving a plane change) is available in the market, flights with 20 percent or more circuity in the routing, flights in markets with low traffic density, newly-inaugurated service, flights between two hub cities, and temporary discontinuances of service. Carriers also suggested applying the exemptions to international as well as domestic flights, and reducing the notice period to 30 days for international flights.

In providing for notices of service reductions, Congress foresaw that in a deregulated environment, entry and exit from markets and points would occur much more frequently than in the past, and that the public would need some warning of impending changes to their air service. While notice requirements inhibit scheduling flexibility and thus impose certain costs on the traveling public, notice also avoids the disruptions from unexpected losses of service. Notice requirements provide a measure of stability in a community's air service patterns, and allow the community and the Board time to arrange for replacements without a gap. Of course, the notice requirements also serve an important function in giving the Board time to investigate, and the public time to comment on, reductions in service that affect guaranteed essential air service levels.

Congress decided that the interest of the public in having advance notice of important service reductions outweighed the detriments of restricted flexibility, and that the public might not receive enough notice without a statutory requirement. Congress defined those requirements fairly explicitly, and we have been very cautious in deviating from them. Inevitably, in a large and complex air transportation system, some cases will arise that fall within the notice requirements, but are clearly not important enough to justify the inflexibility produced by the requirements. In those situations, the Board's exemption authority may be used to grant relief, provided the overall intent of the statute is followed.

But exemptions can be granted on either a blanket or an ad hoc basis, and we are much more hesitant to grant blanket exemptions than specific case-by-case exemptions. Specific exemptions can be evaluated with reasonable precision and shaped to the needs of the moment. Blanket exemptions, however, such as the ones the air carriers suggest, necessarily cover many different cases, and it is difficult to predict whether they will be appropriate in all circumstances. Therefore, where there is a likelihood that notice would be important in at least some situations encompassed by the suggested blanket exemptions, we have decided not to adopt those suggestions. We have also rejected AOCI's request to remove the blanket exemptions now in the interim rule. Our experience with them has produced no case in which the service exempted has proved significant to a community, and we conclude that they are justified.

We have decided not to allow blanket exemptions in any of the new areas in which they were requested. In some markets, particularly those involving small communities, two-stop service is quite important from the community's perspective, even though the traffic level may be small compared to an average market. Similarly, on routes combining service at several small communities, the circuity of the flight might exceed 20 percent, but the flight could still be important to the communities. A traffic level of 5 or 10 passengers a day might provide a sizeable share of a point's total traffic, although low in comparison with the majority of markets. And service between hubs may be considered very important by the affected communities, as it was in the Bakersfield-San Francisco and the Charleston-Pittsburgh markets. With respect to the requests for exemption where there is connecting service available in the market, Congress clearly considered single-plane service to be more important than connecting service. It wrote the notice requirement explicitly to include one but not the other, and we will carry out that decision. This is not to say that exemptions will never be justified on an ad hoc basis in similar cases, but we believe that blanket exemptions are not justified.

We recognize that in some cases the notice requirements may discourage carriers from starting new service on an experimental basis, since they may be "locked in" for 60 days or more if the experiment proves unsatisfactory. In general, we believe in encouraging innovative service ideas, and removing regulatory impediments. But even with newly inaugurated service, the public may need warning of its cessation in order to adjust travel plans or take action to maintain service. Similarly, the community should be apprised of even temporary suspension. We are therefore willing to consider these types of exemptions only on an individual basis.

Frontier and Piedmont objected to the requirement that three-or-more stop service or service operated less than 4 days per week must be performed for 90 days before it may be discontinued without notice. The "90-day proviso" is designed to prevent carriers from first reducing service below the exemption threshold, and shortly thereafter

[3] Comments were filed by Airport Operators Council International (AOCI), Allegheny Airlines (now USAair), American Airlines, State of Arizona, Braniff Airways, Delta Air Lines, Eastern Airlines, Hughes Air West, Pan American World Airways, Piedmont Aviation, and Trans World Airlines.

eliminating service entirely, all without notice. Frontier and Piedmont said that the "90-day proviso" is unduly cumbersome to verify, and probably unnecessary to prevent "phased" discontinuances without adequate notice. Frontier felt that the Board could accomplish the same result by simply requiring notice when a carrier reached the exemption threshold. The alternative suggested by Frontier appears to be an improvement over the 90-day proviso, since it gives communities notice whenever nonstop or single-plane service in a market is being reduced to a presumptively insignificant level. And it may well be simpler for the carriers to give notice on each of these occasions than to check past schedules whenever they terminate "insignificant" service. Therefore, we are adopting Frontier's alternative. A carrier will now be required to serve notice under section 401(j)(2) when it reduces the last certificated nonstop or single-plane service in a market so that it operates less than 4 days a week or with 3 or more stops. It need not then serve notice under 401(j)(2) when it eliminates such low-level service entirely. We emphasize, however, that carriers must still serve notice under section 401(j)(1) whenever a reduction or discontinuance affects essential service, even if the service eliminated is only low-level service. That is, discontinuances of low levels of service are excused from notice only when they do not affect essential service.

American Airlines felt that there is no reason to exempt certain low-level service for domestic markets only. We restricted the blanket exemptions in PR-200 to service performed within the 48 contiguous States and the District of Columbia, because even multistop, infrequent, or one-way air service outside that area may be important to U.S. communities. We reaffirm that decision. Service levels in overseas and international markets are generally lower than in the continental United States, so even low-level service is often significant to communities. Also, replacement carriers may be more difficult to find. Thus, the full statutory notice should be available for all discontinuances in those markets.

Service to Foreign Points

Braniff opposed all notice requirements for changes in international service. The challenge was on two levels. First, it argued that the Board has no statutory authority to impose notice requirements by rulemaking, apart from the specific statutory notice provisions. The notice requirements for cargo discontinuances at foreign points and for discontinuances of passenger service by a carrier that is not the last certificated carrier in a market were said to be invalid. Second, it argued that the Board incorrectly interpreted section 401(j)(2) to apply to international markets. We reject both positions.

In adopting the interim rule, we concluded that the section 401(j)(1) notice requirement for discontinuance of service *at a point* did not apply to international flights, since that provision was intended as an adjunct to the essential service provisions, which are relevant only to U.S. points. However, we said that the section 401(j)(2) provision for discontinuance of service *in a market* did apply to foreign as well as domestic markets. That is still our position. As already explained, the 401(j)(2) notice requirement performs important informational functions quite apart from essential service considerations. Those functions are relevant to international as well as domestic markets. Notice is valuable not only to enable the public to prepare for the change, but to allow the Board to request and authorize replacement service where necessary. Before the Deregulation Act changes, section 401(j) prohibited abandonment of any route, domestic or international, without Board approval. We do not think that in amending the Act, Congress intended to allow carriers to leave international markets without providing at least some notice to the Board and the public. Therefore, we conclude that section 401(j)(2) was meant to apply to international flights.

Braniff challenged the Board's authority to impose any notice requirements of its own that are not specified in the statute. Section 401(j)(2), even as the Board interprets it, only requires notice from the *last* certificated carrier to leave the market. Braniff argued that the Board, in requiring notice by any carrier leaving the market (and notice of cargo terminations, which are outside the Board's interpretation of section 401(j)), was using its rulemaking power improperly to expand the scope of the statute. We believe, however, that the statute supports our rulemaking. Many cases have upheld the authority of agencies to adopt reasonable regulations within the scope of their jurisdiction. One of the clearest is *Mourning v. Family Publications Service*, 411 U.S. 356 (1973):

> Where the empowering provision of a statute states simply that the agency may "make * * * such rules and regulations as may be necessary to carry out the provisions of this Act," we have held that the validity of a regulation promulgated thereunder will be sustained so long as it is "reasonable related to the purposes of the enabling legislation." (footnote and citations omitted) *Id.* at 369.

Section 204(a) of the Act is the very sort of provision described in *Mourning*. In section 102, Congress charged the Board with promoting an efficient and economic air transportation system. And section 401(e)(1) gives the Board authority to attach reasonable terms, conditions, and limitations to the exercise of certificate privileges. the notice provision to which Braniff objects enables the Board to make sure that foreign route authority is utilized to the fullest, without service disruptions. On some international routes, the number of U.S. carriers permitted to operate is limited. Where this is the case, and a carrier plans to discontinue service, the Board may need to take quick action to prevent those limited rights from lying dormant. Without a requirement insuring at least 60 days' notice, the Board may not have time to act before a discontinuance takes place. A 60-day notice requirement is, therefore, a reasonable means of carrying out our duties under the Federal Aviation Act, and we have concluded that it is in the public interest.

Pan American asked that the Board shorten the notice period in foreign markets to 30 days, but we have decided to keep it at 60 days, both to adhere to the statutorily-prescribed period and to allow enough time for action in the situation described above.

The notice requirement itself (§ 323.3(b)) has been reworded to express more clearly the Board's intent. For both domestic and international markets, carriers must give notice of discontinuance of the last nonstop service in the market, regardless of what other service is being provided. If no nonstop service is being provided, the last carrier providing single-plane service must give notice before discontinuing. And for international routes only, each certificated carrier must give notice before discontinuing direct (that is, not requiring a change of planes) service in the market, regardless of the service that other carriers might be providing.

Procedures

Commenters objected to numerous details of the notice filing and objection procedures established by the interim rule. Some of the objections dealt with service of the notices and subsequent pleadings. Commenters asked that service of notices by ordinary mail be allowed instead of by personal service or registered mail, as required in the interim rule. Others objected to required service on persons (airport managers,

CAB regional offices, other carriers, Postmaster General, U.S. Secretary of State) not specifically named in the Act. Allegheny (now USAir) requested that all carriers providing air transportation to a point be served, regardless of whether the point is a hub. The interim rule requires service only if the point is not a hub.

We have decided to require service by personal delivery or registered mail only for notices served on local communities, airport managers, State air transportation agencies, and the Board; other persons may be served by regular mail. Personal delivery or registered mail for State and local parties will virtually eliminate the chances of lost or misdelivered notices. At least one case has already arisen where a carrier claimed to have sent notice but the community claimed not to have received it. Since many communities are understandably concerned about possible service discontinuances, we feel that special precautions are needed here to ensure timely notice to them and the Board. However, the Postmaster General, U.S. Secretary of State, CAB regional offices, and other carriers do not appear to have such an overriding interest in service discontinuances as to need registered mail service. We are convinced, though, that all persons specified in the interim rule should continue to receive notices, including the U.S. Secretary of State, who should be informed on international terminations because they might affect pending negotiations of bilateral air service agreements.

The interim rule provides that all persons receiving notice should also receive copies of objections and subsequent pleadings. While it is important for many people to receive notice of a discontinuance, we think that only the carrier filing notice and the affected civic parties need to be served with copies of objections and subsequent documents. Therefore, the final rule provides for service of objections and answers only on those parties entitled to notice by personal delivery or registered mail. This change should save parties considerable time, trouble, and expense over present requirements.

We agree with USAir that all carriers at each affected point should be served with notices, even if the point is a hub. The notices are useful to these carriers in assessing their own notice obligations and in keeping informed of potential new markets.

One problem has arisen in practice, though not raised in the comments, concerning service on CAB field offices. The Board has two types of field offices: Bureau of Consumer Protection (BCP) field offices, and Office of Community and Congressional Relations (OCCR) field offices. The intended recipients of Part 323 notices are the OCCR offices. The interim rule is not specific on this point, and many notices have been delivered to BCP field offices. We are amending § 323.7 to specify OCCR field offices, and we have sent an industry letter to all scheduled carriers, with current OCCR address information.

Some of the comments dealt with the contents of the notices and related pleadings. Some carriers said that listing the other carriers serving the affected points in the notice was duplicative, since those carriers would also be named on the service list of parties receiving notice. It is true that the requirement of listing all the air carriers serving the affected points will duplicate names on the service list, but it will provide a more convenient reference for those who wish to know that other carriers could most easily replace the discontinued service. We cannot assume that all persons who receive notices will be familiar enough with the regulations to know that all carriers serving the affected points will be named on the service list. The usefulness of having them listed in the notice itself more than justifies requiring the small additional effort.

Commenters sought a clearer description of, or distinction between, the different types of information required for section 401(j)(1) and 401(j)(2) notices. The interim rules requires the same types of information to be listed for both. We will continue this policy, since the information that is relevant to the essential service purposes of section 401(j)(1) is also important information for 401(j)(2) discontinuances. Section 323.4(a)(4) is being clarified to require that both the schedule and the route for all discontinued service must be provided in the notice. The schedule is important because the time of a flight greatly affects its utility for many passengers. Also, 401(j)(2) notices as well as 401(j)(1) notices must discuss the essential service effects of the change, even though 401(j)(2)-type discontinuances do not normally have essential service implications. Many notice recipients may not be aware of the differences between the two types of notices, and we think they should be explicity told how the discontinuance fits into their essential service picture.

AOCI felt that the supporting information required for objections to notices was potentially burdensome, and should be made permissive. It argued that community and airport representatives would recognize the importance of that information and endeavor to provide it, but that the difficulty of providing it would effectively stifle the views of private individuals. We are amending § 323.9 to make the filing of factual data permissive, as AOCI suggested, but we reiterate the crucial importance of supporting factual data to the persuasiveness of any objection. The bare assertion that a party opposes some action, without a statement of reasons for the opposition, is seldom helpful in deciding an issue that will affect the community at large. To help the Board focus on the real basis of the objection and to consider the feasibility of the requested remedy, it is strongly recommended that objectors present specific facts and arguments.

Delta and AOCI each suggested changes to the time limits for filing objections and acting on notices. AOCI complained that the filing periods of 20, 15, and 12 days for objections (depending on how far in advance the notice must be filed) are too short to prepare adequate information when mailing time in each direction is taken into account. AOCI suggested excluding mailing time from the objection period.

We have decided not to change the time deadlines in the interim rule. The periods for filing objections must be short enough to allow the Board time to act to hold in an incumbent carrier, if necessary, or to find alternative carriers. The task of evaluating essential service levels can be complicated and time-consuming, and carriers often need some indication, in advance of the termination date, of whether they are likely to be permitted to end service, because of the many contracts and advance arrangements ancillary to commercial air service. We therefore conclude that the stated time limits for objections should not be extended. Even allowing for mailing time, they give objectors at least a week and usually two to marshal and present their views. And, as a practical matter, we are lenient to accepting late-filed objections, and we consider them to the extent practicable. The time deadlines mainly serve to mark when the Board will begin its evaluation of the essential air transportation implications.

Delta asked that the Board be required to take action within 5 days after the due date for answers to objections, to alleviate uncertainty for airlines about their reservations, aircraft and crew schedules, airport and equipment leases, contracts, and other arrangements. Alternatively, it

suggested that the Board staff notify interested parties informally about the probable disposition of notices at least 30 days before the effective date of a 60-day notice and at least 60 days before the effective date of a 90-day notice. We felt that the time needed for thorough analysis and our policy of considering even late-filed objections militate against the decision deadline advocated by Delta. Although our staff usually advises a carrier when there is a possibility that it may be required to continue service, this informal practice should not be raised to the level of a requirement. The staff recommendation is not an official position of the Board, and acceptance of Delta's suggestions could lead to misunderstandings and legal problems. Therefore, we maintain our position that no action, formal or informal, need be taken until the effective date of the notice.

Miscellaneous Issues

Some commenters noted that the terms "termination," "suspension," and "reduction" are not defined in the Act or in the interim rule. In the preamble to the interim rule, however, the Board did say that a cutback of service to an insignificant level, such as 3 days a week or less, may in some cases be considered a termination, even though some service would remain. Some of the commenters asked for more specific definitions, and a distinction between "termination" and "suspension," and one commenter objected to the Board considering anything short of complete discontinuance to be a termination. Although the statute does not clearly distinguish between termination and suspension, the distinction seems academic at this time, and we see no need to establish one. We are amending the regulation to express our decision that discontinuance of service below the "insignificant" threshold defined by § 323.8 will be treated as a termination for the purposes of the notice requirements.

The State of Arizona argued that the Board should require all informal communications relating to service discontinuance to be summarized in detail and served on interested civic parties, so that they could submit "rebuttal comments." Arizona felt that, since communities have no right to an oral hearing, they might not otherwise have a fair opportunity to present their views, and that civic parties should not be required to monitor dockets in distant Washington for written summaries. The Board staff files, in the docket, communications that are relevant to the merits of each contested case. We agree that communities should receive copies of all these written *ex parte* communications and summaries that we file, and we are amending 14 CFR Part 300 to require service of communications relevant to service discontinuances on civic parties. We believe that the written summaries now being made are adequate, and interested persons may submit rebuttals to them at any time.

Section 323.3(f) provides that carriers who were granted temporary suspension authority prior to the Deregulation Act must file a notice of suspension under Part 323 when their temporary authority expires if they wish to continue the suspension. Eastern argued that the intent of Congress was to require notice only for service actually and presently being provided, since if service had already been temporarily suspended, the public was not actually relying on it. Eastern contended that a carrier whose temporary suspension authority expired should have no obligation to resume service. We disagree with Eastern's reasoning. The public may rely on an underlying obligation to serve a market as well as on actual service. If a carrier that still had service obligations in a market did not provide final notice to affected communities when it was about to abandon them permanently, it would be modifying the terms of its earlier limited suspension. We will therefore continue to require notice filings if a carrier does not wish to resume service after a temporary suspension expires.

Hughes Airwest and USAir noted that the notice procedures in PR-200 overlapped with, and to an extent made unnecessary, some of the provisions in 14 CFR Part 202 dealing with airport notices and procedures for changes in service patterns. However, there seem to be no immediate problems arising from the overlap, and it would be more convenient to deal with the harmonization of these different provisions in a separate proceeding.

One carrier sought confirmation of its view that notice for cargo terminations at foreign points is required only when a carrier discontinues all its cargo operations (both freighter and combination belly service) at the point, and that notice is not required when a carrier discontinues freighter but continues combination belly service. That interpretation is correct.

An issue that was not raised in the comments but has come to our attention while applying the interim regulation is whether notice should be required for discontinuance of service provided under exemption authority. The literal terms of § 323.3(a) indicate that it should. However, section 401(j) of the statute applies only to service being provided "under (a carrier's) certificate." Thus, we conclude that notice should not be required for discontinuance of air transportation provided by a certificated carrier under individual exemption authority, and we are amending the regulations accordingly.

Also, we note that carriers that hold certificate authority for some points, but provide service to others as commuter carriers under 14 CFR Part 298, are subject only to the notice requirements for commuter carriers (§ 323.3(c)) for those points they serve as commuters.[4] They are, of course, subject to certificated carrier notice requirements (§ 323.3(a)) for the points listed on their certificates.

Another issue not discussed in the comments but encountered in practice is the length of time that carriers may temporarily suspend service on account of a strike. Section 323.14 permits carriers to suspend service temporarily because of a strike, without filing notice, since such interruptions cannot be foreseen or controlled well in advance. However, some carriers have treated such temporary suspensions as opportunities to discontinue service indefinitely beyond the resolution of the strike. The temporary suspension authority is not intended to extend beyond the duration of the strike and a reasonable period afterward to allow for orderly resumption of operations. In the past, we have usually viewed 90 days as a reasonable time for resuming operations. Any more extended suspension is within the foresight and control of management, and must be accompanied by the normal notice. We are therefore amending §323.14(b) to specify that temporary suspension authority based on a strike expires 90 days after employees return to work.

Finally, we would like to state an interpretation of the Act and Part 323 that we have been following and intend to continue. We interpret the notice requirements to apply equally to certificated carriers and to any substitute service carriers that they may contract with to operate in their stead at some points. Normally, such substitute service agreements are approved by the Board on the condition that the certificated carrier stand ready to provide back-up service if the substitute discontinues its operations. If the certificated carrier and its substitute decide to reduce or discontinue service to a point so as to require notice under Part 323, *both* carriers are required to provide notice of their intentions, even though only one is presently providing the service. This will assure that both

[4] Order 80-3-70, issued March 13, 1980.

consumers, who will usually identify the substitute carrier with the existing air service, and city officials, who will ultimately rely on the certificated carrier for service, will be fully informed of the change. Certificated carriers and their substitutes may, however, file joint notices.

The Board will evaluate this rule on the basis of complaints from and informal discussions with air carriers, civic parties, and individuals affected by it.

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 323, *Terminations, suspensions, and reductions of service,* as follows:

1. In § 323.3, paragraph (a) is amended to read:

§ 323.3 Who shall file notices. [Amended]

(a) *Terminations, suspensions, or reductions by certificated carriers.* The notice described in § 323.4(a) shall be filed by any certificated carrier that intends to:

(1) Terminate or suspend all passenger air transportation that it is providing under its certificate to any point in the United States. Whenever service is reduced to the levels described in § 323.8, it shall be considered to be terminated or suspended;

(2) Reduce passenger air transportation so that any eligible point listed on its certificate receives less than the level of essential air transportation determined by the Board;

(3) Reduce passenger air transportation to any eligible point listed on its certificate for which the Board has not determined the level of essential air transportation, other than a point in Alaska, so that there is no FAA-designated hub from which the point receives at least two round trip flights per day, 5 days per week;

(4) Reduce passenger air transportation to any eligible point in Alaska listed on its certificate for which the Board has not determined the level of essential air transportation so that the service between that point and every other point served by a certificated carrier is either—

(i) Less than two round trip flights per week, or

(ii) Less than the average weekly number of round trip flights actually provided during calendar year 1976, or

(iii) Less than the number of flights specified under an agreement between the Board and the State of Alaska; or

(5) Terminate or suspend all cargo air transportation that is providing to a point not in the United States.

* * * * *

§ 323.3 [Amended]

2. Also, in § 323.3, paragraph (b)(1) is amended by deleting the opening clause, and revising paragraphs (ii) and (iii), to read:

* * * * *

(b) *Nonstop or single-plane service by certificated carriers.* (1) The notice described in § 323.(4)(b) shall be filed by any certificated carrier that intends to terminate or suspend:

(i) * * *

(ii) Single-plane passenger air transportation between any two points in the United States, if no certificated carrier provides nonstop service, and no other certificated carrier provides single-plane service, between the two points; or

(iii) All nonstop and single-plane passenger air transportation that it provides between a point in the United States and a point not in the United States.

* * * * *

§ 323.3 [Amended]

3. Also in § 323.3, paragraph (b)(2) is amended to read:

* * * * *

(b) *Nonstop or single-plane service by certificated carriers.* * * *

(2) For the purposes of this paragraph, the following reductions in service will be considered to be terminations or suspensions of the affected flights:

(i) Discontinuance in one direction of nonstop or single-plane air transportation that is currently being provided in both directions;

(ii) Increase from less than three to three or more in the number of intermediate stops on a single-plane flight; or

(iii) Decrease in operation of a flight from more than 3 days to 3 or less days per week.

4. Paragraphs (i) and (iii) of § 323.4(a)(4) are amended to read:

§ 323.4 Contents of notices.

(a) The notice required under §§ 323.3(a) and 323.3(c) shall contain:

* * * * *

(4) Description of the service to be terminated, suspended, or reduced, including:

(i) Arrival and departure times at the affected points of the flights to be discontinued;

(ii)* * *

(iii) Routes of the flights to be discontinued, and a statement of which routes, if any, will be left without nonstop or single-plane service from a certificated carrier by the intended change, and

(iv) * * *

5. In § 323.7 paragraphs (a)(6), (a)(7), (b)(5), and (b)(6) are amended, and a new paragraph (c) added, to read:

§ 323.7 Service of notices.

(a) A copy of each notice required by §§ 323.3(a) and 323.3(c) shall be served upon:

* * * * *

(6) Each air carrier providing scheduled service to the affected point.

(7) The CAB Office of the Community and Congressional Relations Field Office for the region in which the affected point is located.

(8) * * *

(b) A copy of each notice required by § 323.3(b) shall, for each of the directly affected points, be served upon:

* * * * *

(5) Each air carrier providing scheduled air transportation at either of the points;

(6) The CAB Office of Community and Congressional Relations Field Office for the regions in which the points are located; and

(7) * * *

(c) Local communities, State agencies, and airport managers shall be served personally or by registered or certificated mail. All other persons may be served by ordinary mail.

6. In § 323.8, the reference to the "preceding 90 days" is deleted from paragraphs (a)(1) and (a)(2), so that it reads:

§ 323.8 Exemption from 60-day notice for minor service.

(a) All certificated carriers are hereby exempted from complying with the requirements of section 401(j)(2) of the Act and § 323.3(b) for terminations or suspensions of nonstop or single-plane air transportation between any two points within the 48 contiguous States and the District of Columbia, if the service to be discontinued—

(1) Is operated less than 4 days per week;

(2) Is operated with three or more intermediate stops; or

(3) * * *

(b) * * *

7. In § 323.9, paragraph (b)(5) is deleted and reserved, the service requirements in paragraph (b)(7) are amended, and a new paragraph (c) is added, to read:

§ 323.9 Objections to notices.

(a) * * *

(b) Objections shall contain:

* * * * *

(5) [Reserved]

(6) * * *

(7) Proof of service on the carrier filing the notice objected to, on all airport

managers and State and local governments on whom the notice was filed, and on any other person designated by the Board. The proof of service shall include the names and addresses of all persons served.

(c) Objectors are strongly urged to include in their objections facts to support the suggested level of essential air transportation (e.g., traffic and enplanement data, other market studies, facts descriptive of the point's isolation or dependence on air transportation).

9. Section 323.14(b) is amended by adding a second sentence to read:

§ 323.14 Temporary suspension authority for involuntary interruption of service.

* * * * *

(b) In the case of an interruption of service caused by a strike, the carrier shall give immediate notice of the interruption to the Board. Suspension authority under this section due to a strike shall expire 90 days after employees return to work.

* * * * *

(Sec. 204, 401, 416, 419, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 92 Stat. 1710, 1731, 1732, (49 U.S.C. 1324, 1371, 1386, 1389))

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-9267 Filed 3-26-80; 8:45 am]

BILLING CODE 6320-01-M

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14 CFR Part 399

[Reg. PS-91, Amdt. No. 68 to Part 399; Docket No. 36202]

Special Tariff Permission To File on Less Than Statutory Notice

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB liberalizes its policies on allowing airlines to file tariffs on shorter notice than the 30 or 60 days that would otherwise be required by statute. Supplementary information about this rule appears in ER-1171,[1] also adopted today.

DATES: Adopted: March 20, 1980. Effective: March 20, 1980.

FOR FURTHER INFORMATION CONTACT: Mark Schwimmer, Office of the General Counsel, 202-673-5442; or Robert Klothe, Bureau of Domestic Aviation, 202-673-6064, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

[1] See FR Doc. 80-9254, 14 CFR Part 221 also published in the Rules section of this issue.

The Civil Aeronautics Board amends 14 CFR Part 399, *Statements of General Policy*, as follows:

1. In the Table of Contents, a new § 399.35 is inserted in Subpart C, to read:

* * * * *

Subpart C—Policies Relating to Rates and Tariffs

* * * * *

Sec.

399.35 Special tariff permission.

* * * * *

2. A new § 399.35 is added, to read:

§ 399.35 Special Tariff Permission.

(a) As used in this section "to grant STP" means to approve a carrier's application for Special Tariff Permission to file a tariff on less than the statutory notice set forth in § 221.160(a) of this chapter.

(b) *Lower fares, rates, and charges.* It is the policy of the Board to grant STP for tariffs that state lower fares, rates, or charges and any rules affecting only those lower fares, rates, or charges, except that:

(1) The Board will not grant STP to match a tariff filed on statutory notice; and

(2) The Board will not grant STP if the proposed fares, rates, charges, or rules raise significant questions of lawfulness, that is, could reasonably be expected to be found unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or predatory, under current statutory or Board guidelines. In these situations, if the carrier files the tariff on statutory notice and at the same time applies for STP to advance the tariff's effective date, the Board will use its best efforts to act within 15 days to grant or deny STP.

(c) *Higher fares.* For tariffs that state higher passenger fares, and any rules affecting only those fares, the Board's policy on STP is, except in unusual or emergency circumstances:

(1) To grant STP if the resulting fares are within a statutory or Board-established zone of presumed lawfulness; and

(2) Otherwise, to deny STP.

(Secs. 204, 403, 416, 1002, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 758, 771, and 788, as amended, (49 U.S.C. 1324, 1373, 1386, and 1482))

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-9255 Filed 3-26-80; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 379

Interpretation of Technical Data Regulations

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

ACTION: Interpretation.

SUMMARY: Suspension of validated export licenses for the USSR has amplified the need for interpretations of the Technical Data regulations to assure that parties to transactions understand the limits of general licenses.

EFFECTIVE DATE: March 24, 1980.

ADDRESS: Written comments (six copies when possible) should be sent to: Richard J. Isadore, Acting Director, Operations Division, Office of Export Administration, U.S. Department of Commerce, Room 1617M, Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: Mr. Archie Andrews, Director, Exporters' Service Staff, Office of Export Administration, Department of Commerce, Washington, D.C. 20230 (Telephone: (202) 377-5247 or 377-4811).

SUPPLEMENTAL INFORMATION: The suspension of all outstanding licenses and other authorizations for exports to the USSR announced in 45 FR 3027 (January 16, 1980) resulted in numerous inquiries from exporters who were having difficulties in understanding when technical data and repair parts may be exported under general licenses and when a validated license is required. To respond to these inquiries, a set of questions and answers has been added to Supplement No. 1 to Part 379. These questions and answers do not change the regulations in any way. Their sole purpose is to interpret and inform.

Public comments on these interpretations are solicited on a continuing basis.

Accordingly, the *Export Administration Regulations* (15 CFR Parts 368-399) are amended by adding the following to Supplement No. 1 to Part 379:

2. Distinction between General and Validated License Requirements for Shipment to QWY Destinations of Technical Data and Replacement Parts.

A number of exporters have recently asked where the line is drawn between general license and validated license exports to QWY destinations of technical data related to equipment exports.

The export of technical data under validated license is authorized only to the extent specifically indicated on the face of the license. The only data related to equipment exports that can be provided under general license is the publicly available data authorized by General License GTDA, or the assembly, installation, maintenance, repair, and operation data authorized by General License GTDR.

The following questions and answers are intended to further clarify this matter, as well as related problems involving other general licenses. These are clarifications only. Their issuance in no way affects the suspension of validated licenses for exports to the USSR of Jan. 11, 1980 (45 FR 3027).

Question: Can we send technicians to repair equipment even though we can no longer supply parts due to suspension or revocation of our validated export license?

Answer: You can make repairs only to the extent the technical know-how utilized by the technicians does not exceed that contained in the manuals and instructions provided with the equipment under GTDR. Under GTDR, the technical data must be transmitted within one year of shipment of the equipment. Once the GTDR data is transmitted, subsequent service visits can be made at any time and are not restricted to the first year after shipment, but the services performed must be based solely on the data provided under GTDR.

Question: Must we continue to fulfill visitation and reporting requirements imposed by our suspended (or revoked) validated export licenses even though we can no longer provide parts for repairs we have normally made during these visits?

Answer: Every effort must be made to continue visitations. If your technicians are not permitted to visit the site or are otherwise prevented from fulfilling your visitation and reporting obligations, you should present evidence of this with your visitation report.

Question: We have completed a plant, fully utilizing the licenses we were issued for technical data and equipment. For contractual and warranty reasons, our technicians remain on site. Can they continue to assist and advise the customer even though we no longer have a valid export license?

Answer: They may advise and assist, but only to the extent permitted by GTDA or GTDR. If the consignee has been furnished information on installation, operation, maintenance, or repair of equipment, your technicians can repeat that information or perform the needed work, provided they do not exceed the GTDR limitations. Your technicians can, for instance, monitor the operation of machines to assure that they are not misused in any way that could result in unfounded warranty claims and possible arbitration. However, your personnel may not perform plant operations or repair functions utilizing technical data requiring a validated license.

Question: We have been setting up a turnkey plant. The equipment is there but needs to be installed. Can we install the machines and teach the customer how to run them even though our license has been suspended (or revoked)?

Answer: Individual machines may be installed and put into operating order, but only to the extent permitted by GTDR. Instruction or assistance in combining the individual machines to perform the process for which the plant was intended, however, is not covered by the general license and this service cannot be performed while the requisite validated license for technical data is suspended.

In determining what constitutes an individual machine, exporters should consider as separate machines each of the basic pieces of equipment that join to provide a manufacturing process, but need not separate items such as machine tool/controller combinations or computer mainframe/peripheral systems designed and sold as functional units.

Question: If a validated export license is suspended, can a U.S. manufacturer have its field technicians install a product that was exported prior to the suspension?

Answer: If installation of the product involves no more knowledge than could be absorbed by a competent technician from manuals, instructions, and drawings that normally are delivered with the product under GTDR (i.e., necessary for assembly, installation, maintenance, repair, or operation) then the manufacturer's field technicians may install the product. If the field engineers would have to exceed this limitation to install the equipment, then they may not do so. In no case can the field engineers go beyond installation of individual machines to reveal how machines relate to each other to perform a manufacturing process, since process technology is subject to validated license.

Question: We applied for a license to export equipment, received a license, and shipped. Subsequently, all validated licenses for that destination were suspended. In our formal application, we described a list of activities that would be required to complete this consolidated business transaction, such as:

Detailed training schedule for the customer's technical personnel, for maintenance and operation of the equipment;

Direct support by our engineers for a period of several years to assure proper procedures and use of the equipment;

A contract for back-up maintenance and repair of equipment, until the customer's engineers gained sufficient experience to handle the job; and

A contract for study and analysis and design of their total plant (or a particular department) equipment requirements.

When we got the license for the export of equipment we understood that the license covered the total transaction and permitted the undertaking of the various ancilliary activities as represented in our application.

We have just started these activities, and are obliged under our contract to continue performance even though the license is suspended.

How does the suspension order affect our continued performance, where the equipment is already at the customer's facility waiting for our engineers to begin work and also train the customer's personnel?

Answer: In the situation you describe, it is not entirely clear how much of your work performance and training is covered by the suspension of your license. It seems likely that a good portion of the work should have been subject to a separate validated technical data license, which would be subject to the general suspension of validated licenses. As you did not approach the transaction (from a licensing procedure viewpoint) in this manner, we will need to review the case to determine what activities are directly related to the provision of technical data under GTDR (i.e. required for installation, assembly, maintenance, repair, and operation of the equipment shipped) and which activities go beyond this definition and will require a separate technical data approval for you to continue work.

Question: Our engineers sometimes provide technical advice on repair situations by telephone from a Western country to the customer in a country where our validated licenses have been suspended (or revoked). This is particularly likely to occur in difficult situations, where the customer will describe his problem in technical detail to our engineer, and our engineer tells him, based on experience and access to more complete equipment history information, where to look for the error. This is an exchange of information, where we also gain knowledge of specific problems with the equipment.

Can this procedure be viewed as GTDR information necessary for the repair of installed equipment?

Answer: This is a reasonable activity that may be covered by GTDR, subject to the restriction that it may not involve technical information beyond the scope provided in the manuals and instructions originally given to the customer: *i.e.* the exchange of information must have as its base of reference the knowledge as provided in those manuals and instructions. The exchange may not, for example, go into detail of component design or engineering of a specific standard part, where the manual does not provide such technical detail.

Provision of such advice may be made at any time, provided it is based solely on GTDR information that was furnished within one year of the equipment export.

The above clarification would not only apply to a telephone call from a Western country, but would also be applicable for on-site service calls where the engineer is at the customer location.

Question: Our customer installation in a country where our validated licenses have been suspended (or revoked) uses certain standard computer programs shipped sometime ago under validated license. The customer normally receives a programming service under warranty-type contract provisions to receive error corrections for these programs. When he has a problem, he identifies it to us (often via a magnetic tape) and a correction (revised program instruction) is sent back to the customer. This exchange is usually mutually advantageous, as we gain from customer experiences and he receives assistance in "fixing" his problem.

Can these exchanges be made under a general license? Can periodic updates (consolidated correction of errors) be provided to the customer?

Answer: Provided this is routine error correction with no new facilities or

performance enhancements provided above the original program specifications, it can be provided either under GLR (e.g. a "faulty" tape sent to the U.S. and corrected tape sent back to the customer), or under GTDR. These general licenses are available only for one year following export of the equipment, unless extended by the Office of Export Administration.

Question: We are required by our contract to provide for our equipment installed in a country where our validated licenses have been suspended (or revoked), even after warranty period, engineering changes based on continuing experience with and improvements to that equipment. These changes are for the purpose of, *e.g.*, assuring operation of the machines to the original equipment specifications, removing a particular error-prone condition, or in some cases for the safety of user or maintenance personnel. The transfer of technical data and in some instances new or exchange parts are involved. We consider some of these changes "mandatory" where safety is concerned.

Can we provide the technical data for this purpose under GTDR if extended beyond the one year limitation period, and can the requisite parts be provided under GLR provisions, where there is no charge to the customer?

Answer: This technical data may be exported provided it does not exceed the limitations of GTDR. However, formal waiver of the one year limitation must be obtained where such continued shipments are foreseen.

The provision of parts under GLR is restricted to warranty situations within one year of export. "Mandatory changes" provided under warranty at no charge are considered an appropriate use of GLR. We would consider waiving the one-year limit for export of parts under GLR based on the merits of the individual case.

To request extension of the time limit under GTDR or GLR, the applicant should submit a letter, in duplicate, to the Director, Operations Division, Office of Export Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230. The letter should specify the export license number, the date of export of the equipment, the reason the extension is needed, whether GTDR, GLR, or both should be extended, and the period of time for which the extension is desired. Extensions may not exceed one year, but further extensions may be sought if necessary. If approved, OEA will validate the copy of the letter and return it to the applicant.

Question: Our engineers, in installing or repairing equipment, use techniques (experience as well as proprietary knowledge of the internal componentry or specifications of the equipment) that exceed what is provided in the standard manuals or instructions (including training) given to the Soviet customer. In some cases, it is also a condition of the license that such information provided to the customer be constrained to the minimum necessary for normal installation, maintenance and operation situations.

Can we send an engineer (with knowledge and experience) to the customer site to perform the installation or repair, under the provisions of GTDR, if it is understood that he is restricted by our normal business practices to performing the work without imparting the knowledge or technical data to the customer personnel?

Answer: As defined in § 379.1, export of technical data includes release of U.S. origin data in a foreign country, and "release" includes "application to situations abroad of personal knowledge or technical experience acquired in the United States." As the release of technical data in the circumstances described here would exceed that permitted under GTDR, a validated export license would be required even though the technician could apply the data without disclosing it to the customer.

Question: We shipped equipment prior to the suspension (or revocation) of our validated licenses, and had planned according to our normal business practices to train customer engineers to maintain that equipment. The training is contractual in nature, provided for a fee, and is scheduled to take place in part in the customer's facility and in part in the U.S. Can we now proceed with this training at both locations under general license authority?

Answer: Provided that this is your normal training, and involves technical data contained in your manuals and standard instructions for the exported equipment, and meets the other requirements of § 379.4, the training may be provided within the limits of General License GTDR. The location of the training is not significant, as the export occurs at the time and place of the actual transfer or imparting of the technical data to the customer's engineers.

Any training beyond that covered in the GTDR provisions, but specifically represented in your license application as required for this customer installation, and in fact authorized on the face of the license or a separate technical data license, may not be undertaken while the validated license is suspended or revoked.

Question: We have contracted with our customer to provide a "customized" service for a fee (*i.e.*, write a program or an instruction manual for a specific customer requirement), and this was described in detail in our equipment export application. When we received our equipment export license under which we completed shipment and installation, we assumed that this work could commence, being directly related to the equipment and identified by us as necessary for the operation of that equipment for the specific customer.

Can we continue this work, which is already started, or is this impacted by the suspension of our equipment license?

Answer: In the case you have outlined, a separate validated license is required to cover technical data involved in such "specialized, custom service", unless the equipment validated license clearly specifies on its face that it covers the technical data. In any event, if all validated licenses are suspended to your customer's country the work must cease as it cannot be carried out under general license.

Question: In most cases, we ship parts under validated licenses. However, the Regulations do provide for parts shipments for warranty repair situations under the GLR provisions of § 371.17.

If our validated licenses are suspended or revoked, is it permissible to change our previous license procedure and to ship parts on a one-for-one replacement basis where the equipment and parts are under manufacturer's warranty?

Answer: It is permissible to use any general license (G–Dest, GLR, etc) that may apply to a given shipment.

Question: We have shipped equipment to our customer prior to suspension or revocation of our validated licenses, and have scheduled some management consultations with the customer relating to installation and operational planning, organization, and scheduling of the utilization of the exported equipment. The consultations may include meetings with the customer's management, discussion of specific problems, provision of generally available brochures or basic technical manuals, conducting introductory level training for the operations and support staff, etc.

These consultations, meetings, seminars, training sessions, and manuals are provided consistent with our standard business practices at no additional charge to customers, and are for the purpose of advising all customers of the basic management and organizational techniques involved in utilization of the equipment.

We have previously considered the level of technical data involved as generally available GTDA or GTDR, without drawing much precise distinction. Do we need a validated license?

Answer: Generally available published technical data may be provided under GTDA. Also, the provision of manuals and instructions beyond the definition of GTDA is permissible under GTDR, provided that such manuals and instructions are directly required for the installation, assembly, maintenance, repair, or operation of the exported equipment. A seminar, training course, or consultation with the customer based on and restricted to the contents of such GTDA or GTDR manuals, instructions, and materials would be governed by the provisions of those general licenses.

Also, it is recognized that dialogue with the customer involves transfer of technical data, often of a general nature. In such consultations or dialogues (in the context of training sessions, seminars, and working meetings), it is necessary to limit the content of these exchanges to identifiable published material (GTDA), or the manuals and instructions provided together with the equipment under GTDR.

Guidance from OEA should be obtained whenever you are in doubt. Where it is determined necessary by OEA, technical data license applications should be filed for situations where technical data exchange may exceed that clearly within the restrictions of GTDR.

Question: We have shipped computer equipment prior to the suspension or revocation of our validated licenses, but have not yet delivered the basic computer control programs (systems control software) required for the operation of the equipment.

Can we ship these programs, and assist the customer in getting it properly installed and operational?

Answer: Computer software that is not generally available as defined in General License GTDA requires a validated license for export, and thus may not be shipped in these circumstances. However, computer software that is both essential for operation of the system and specific to the application for which the system was licensed may be exported under the provisions of GTDR. This would include also the manuals or instructions necessary for the installation of such software. Assistance by your personnel in installation or use of GTDA or GTDR software is limited to the utilization of the materials provided to the customer and within the standard specifications of the software provided.

Additional training or instruction beyond the standard provisions would be subject to validated license.

Updates (error correction or software warranty services) to the original installed software are permissible under GTDR, provided that there is no enhancement of performance.

(Secs. 5, 6, 21, Pub. L. 96–72, to be codified at 50 U.S.C. App. 2401 *et seq.;* Department Organization Order 10–3, 45 FR 6141 (January 25, 1980); Department Organization Order 41–1, 45 FR 11862 (February 22, 1980)).

Donald A. Furtado,

Acting Under Secretary for International Trade.

[FR Doc. 80–9344 Filed 3–24–80; 3:39 pm]

BILLING CODE 3510–25–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 1

[Docket No. RM80–43; Order No. 71]

Rules of Practice and Procedure

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The amendment to § 1.4(d) of the Commission's regulations will permit the Commission to modify, to the extent permitted by law, its existing *ex parte* and separation of functions regulations by rule or order. The Commission will be issuing new *ex parte* and separation of functions rules of general applicability in the near future. In the interim, the Commission recognizes that it may need to modify its existing *ex parte* and separation of functions rules as they apply in certain proceedings.

DATES: Effective March 17, 1980.

FOR FURTHER INFORMATION CONTACT: June G. Perin, Office of General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 (202) 357–8473.

Issued March 17, 1980.

Before Commissioners: Charles B. Curtis, Chairman; Georgiana Sheldon, Matthew Holden, Jr., and George R. Hall.

The Federal Energy Regulatory Commission is amending § 1.4(d)(2) of its Rules of Practice and Procedure. The amendment will permit the Commission to modify its existing regulations on *ex parte* and separation of function by rule or order, to the extent permitted by law.

The amendment is merely a codification of the extant authority of the Commission to modify its rules at any time as long as the modification does not prejudice any party to a pending proceeding. As such, the amendment to § 1.4(d)(2) is procedural in nature.

The Commission's present *ex parte* and separation of functions rules are more restrictive than the Administrative Procedure Act would require. In addition, the present rules do not apply to oil pipeline proceedings conducted under the authority transferred to the Commission by virtue of the Department of Energy Organization Act. Existing Interstate Commerce Commission *ex parte* and separation of functions rules presently apply to those proceedings.

The Commission is actively considering and will be issuing new *ex parte* and separation of functions rules of general applicability in the near future. In the interim, the Commission recognizes that it may need to modify its existing *ex parte* and separation of functions rules as they apply to certain proceedings at the Commission, including oil pipeline proceedings. For this reason, the Commission finds that good cause exists to adopt the amendment of § 1.4(d)(2) effective immediately.

(Federal Power Act, *as amended,* 16 U.S.C. 792 *et seq.;* Natural Gas Act, *as amended,* 15 U.S.C. 717 *et seq.;* Interstate Commerce Act, *as amended,* 49 U.S.C. 1 *et seq.;* Department of Energy Organization Act, Pub. L. No. 95–91, 91 Stat. 565, *et seq.,* E.O. 12009, 42 FR 46267; Administrative Procedure Act, 5 U.S.C. §§ 500 *et seq.*)

In consideration of the foregoing, Part 1, Chapter I of Title 18 of the Code of Federal Regulations is amended as set forth below, effective immediately.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 1—RULES OF PRACTICE AND PROCEDURES

Section 1.4 is amended in paragraph (d)(2) by adding after paragraph (d)(2)(ix) the following:

§ 1.4 Appearances and practice before the Commission.

* * * * *

(d) *Ex parte communications.* * * *

(2) * * *

(x) The Commission may, by rule or order modify, any provision of §§ 1.4(d), 1.30(f) or 49 CFR, Part 1100, Appendix C as it applies to all or part of a proceeding, to the extent permitted by law.

* * * * *

[FR Doc. 80–9274 Filed 3–26–80; 8:45 am]

BILLING CODE 6450–01–M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

20 CFR Part 404

Federal Old-Age, Survivors, and Disability Insurance; Employment, Wages, Self-Employment, and Self-Employment Income

AGENCY: Social Security Administration, HEW.

ACTION: Final rule.

SUMMARY: These final regulations restate the rules on the kinds of work and earnings that are included or excluded for purposes of social security coverage. We have rewritten and reorganized the existing regulations to make these regulations clearer and easier for the public to use. We have not changed the substance of our current regulations other than to reflect recent changes in the law. However, to simplify and reduce our regulations, we have deleted most rules that do not apply to current work. We have also eliminated some material about Internal Revenue Service forms and findings where the Internal Revenue Code is the primary basis for the rules.

EFFECTIVE DATE: These amendments are effective March 27, 1980.

FOR FURTHER INFORMATION CONTACT: Dave Smith, Legal Assistant, Room 4234 West High Rise Building, 6401 Security Boulevard, Baltimore, Maryland 21235, Telephone (301) 594–7336.

SUPPLEMENTARY INFORMATION: HEW is revising its regulations as part of Operation Common Sense, which is a Department-wide effort to review, simplify, and reduce HEW's regulations. As part of this effort, we proposed a complete rewrite of Subpart K, Employment, Wages, Self-Employment, and Self-Employment Income. We published our proposed revision of Subpart K in the **Federal Register** with a Notice of Proposed Rule Making on July 16, 1979 (44 FR 41222), with a 60 day comment period. We did not receive any comments.

The Notice of Proposed Rule Making made a few changes in the substance of the existing regulations. The new rule in § 404.1059(i) conforms to section 3 of Pub. L. 95–472 which excludes from wages for social security coverage purposes certain payments under group legal services plans. Section 404.1007 contains a list of factors that tend to show whether a person is an employee under the common-law rules. We have also added a definition of a duly ordained, commissioned, or licensed minister in § 404.1023.

We have included in § 404.1047 on wages and section 404.1096 on self-employment income the amount of the contribution and benefit base for each calendar year from 1975–1981. The base is the amount of earnings that is subject to social security tax and that may be used in figuring social security benefits. The amounts for 1975–1978 were determined by the Secretary of Health, Education, and Welfare under the formula in section 230 of the Act and were appropriately published in the **Federal Register**. The amount of the base was raised by section 103(b) of the Social Security Amendments of 1977 (Pub. L. 95–216) to $22,900 for 1979, $25,900 for 1980, and $29,700 for 1981.

In the final regulations, we have corrected typographical errors made in the notice and have added a reference to a period of disability in the last sentence of § 404.1060(a) which was omitted in the notice.

Accordingly, the final rule is adopted as set forth below.

(Catalog of Federal Domestic Assistance Programs No. 13.803, Social Security-Retirement Insurance)

Dated: February 25, 1980.

William J. Driver,

Commissioner of Social Security.

Approved: March 21, 1980.

Patricia Roberts Harris,

Secretary of Health, Education, and Welfare.

Subpart K of Part 404 of Chapter III of Title 20 of the Code of Federal Regulations is revised to read as follows:

Subpart K—Employment, Wages, Self-Employment, and Self-Employment Income

Sec.
404.1001 Introduction.
404.1002 Definitions.

Employment

404.1003 Employment.
404.1004 What work is covered as employment.
404.1005 Who is an employee.
404.1006 Corporation officer.
404.1007 Common-law employee.
404.1008 Agent-driver or commission-driver, full-time life insurance saleman, home worker, or traveling or city salesman.
404.1009 Who is an employer.
404.1010 Farm crew leader as employer.

Work Excluded From Employment

404.1012 Work excluded from employment.
404.1013 Included—excluded rule.
404.1014 Domestic service by a student for a local college club, fraternity or sorority.
404.1015 Family services.
404.1016 Foreign agricultural workers.
404.1017 Sharefarmers.
404.1018 Work by civilians for the United States Government or its instrumentalities.
404.1019 Work as a member of a uniformed service of the United States.
404.1020 Work for States and their political subdivisions and instrumentalities.
404.1021 Work for the District of Columbia.
404.1022 American Samoa or Guam.
404.1023 Ministers of churches and members of religious orders.
404.1024 Election of coverage by religious orders.
404.1026 Work for religious, charitable, educational, or certain other organizations exempt from income tax.
404.1027 Railroad work.
404.1028 Student working for a school, college, or university.
404.1029 Student nurses.
404.1030 Delivery and distribution or sale of newspapers, shopping news, and magazines.
404.1031 Fishing.
404.1032 Work for a foreign government.
404.1033 Work for a wholly owned instrumentality of a foreign government.
404.1034 Work for an international organization.
404.1035 Work for a communist organization.
404.1036 Certain nonresident aliens.
404.1037 Work on or in connection with a non-American vessel or aircraft.

Wages

404.1041 Wages.
404.1042 Wages when paid and received.
404.1043 Facilities or privileges-meals and lodging.
404.1044 Vacation pay.
404.1045 Employee expenses.
404.1046 Pay for work by certain members of religious orders.
404.1047 Annual wage limitation.
404.1048 Contribution and benefit base after 1981.
404.1049 Payments under an employer plan or system.

Sec.
404.1050 Retirement payments.
404.1051 Payments on account of sickness or accident disability, or related medical or hospitalization expenses, not made under a plan or system.
404.1052 Payments from or to certain tax-exempt trusts.
404.1053 Payments under or into certain annuity plans.
404.1054 Payments under or into certain bond purchase plans.
404.1055 Payments by an employer of employee's tax or employee's contributions under State law.
404.1056 Payments for agricultural labor.
404.1057 Explanation of agricultural labor.
404.1058 Domestic service in the employer's home.
404.1059 Special situations.
404.1060 Deemed wages for certain individuals interned during World War II.

Self-Employment

404.1065 Self-employment coverage.
404.1066 Trade or business in general.
404.1068 Employees who are considered self-employed.
404.1070 Christian Science practitioners.
404.1071 Ministers and members of religious orders.
404.1073 Public office.
404.1074 Farm crew leader who is self-employed.
404.1075 Members of certain religious groups opposed to insurance.
404.1077 Individuals under railroad retirement system.

Self-Employment Income

404.1080 Net earnings from self-employment.
404.1081 General rules for figuring net earnings from self-employment.
404.1082 Rentals from real estate; material participation.
404.1083 Dividends and interest.
404.1084 Gain or loss from disposition of property; capital assets; timber, coal, and iron ore; involuntary conversion.
404.1085 Net operating loss deduction.
404.1086 Community income.
404.1087 Figuring partner's net earnings from self-employment for taxable year which ends as a result of death.
404.1088 Retirement payment to retired partners.
404.1089 Figuring net earnings for residents and nonresidents of Puerto Rico.
404.1090 Personal exemption deduction.
404.1091 Figuring net earnings for ministers and members of religious orders.
404.1092 Figuring net earnings for United States citizens temporarily living outside the United States.
404.1093 Possession of the United States.
404.1094 Options available for figuring net earnings from self-employment.
404.1095 Agricultural trade or business.
404.1096 Self-employment income.

Authority: Secs. 205, 209, 210, 211, 229, 230, 231, and 1102 of the Social Security Act, 53 Stat. 1368, 49 Stat. 625, 64 Stat. 492, 81 Stat. 833, 86 Stat. 416, 86 Stat. 1367, 49 Stat. 647; sec. 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 631; 42 U.S.C. 405, 409, 410, 411, 429, 430, 431, and 1302; and 5 U.S.C. Appendix.

Subpart K—Employment, Wages, Self-Employment, and Self-Employment Income

§ 404.1001 Introduction

(a)(1) In general, your social security benefits are based on your earnings that are on our records. (Subpart I of this part explains how we keep earnings records.) Basically, you receive credit only for earnings that are covered for social security purposes. The earnings are covered only if your work is covered. If you are an employee, your employer files a report of your covered earnings. If you are self-employed, you file a report of your covered earnings. Some work is covered by social security and some work is not. Also, some earnings are covered by social security and some are not. It is important that you are aware of what kinds of work and earnings are covered so that you will know whether your earnings should be on our records.

(2) If you are an employee, your covered work is called "employment." This subpart explains our rules on the kinds of work that are covered as "employment" and the kinds that are not. We also explain who is an employee.

(3) If your work is "employment", your covered earnings are called "wages." This subpart explains our rules on the kinds of earnings that are covered as "wages" and the kinds that are not.

(4) If you work for yourself, you are self-employed. The subpart explains our rules on the kinds of self-employment that are covered and the kinds that are not.

(5) If you are self-employed, your covered earnings are called "self-employment income" which is based on your "net earnings from self-employment" during a taxable year. This subpart explains our rules on the kinds of earnings that are covered as "net earnings from self-employment" and the kinds that are not. We also explain how to figure your "net earnings from self-employment" and determine your "self-employment income" which is the amount that goes on our records.

(b) We include basically only the rules that apply to current work or that the law requires us to publish as regulations. We generally do not include rules that are seldom used or do not apply to current work because of changes in the law.

(c) The Social Security Act and the Internal Revenue Code (Code) have similar provisions on coverage of your earnings because the one law specifies the earnings for which you will receive credit for benefit purposes and the other the earnings on which you must pay social security taxes. Because the Code (Title 26 of the United States Code) has some provisions that are not in the Act but which may affect you, you may need to refer to the Code or the Internal Revenue Service regulations (Title 26 of the Code of Federal Regulations) to get complete information about your social security coverage.

(d) The rules are organized in the following manner:

(1) Sections 404.1003–404.1010 include the rules on employment. We discuss what we mean by employment, what work is covered as employment for social security purposes, and describe the kinds of workers who are considered employees.

(2) In §§ 404.1012—404.1037 we discuss various types of work that are not covered as employment for social security purposes.

(3) The rules on wages are found in §§ 404.1041–404.1060. We describe what we mean by the term "wages", discuss various types of pay that count as wages, and state when the pay counts for social security purposes. We include the explanations of agricultural labor and domestic services under "wages" because the coverage of the services depends on the pay that is received.

(4) Our rules on self-employment and self-employment income are found in §§ 404.1065–404.1096. We discuss what we mean by self-employment, what we mean by a trade or business, what types of activities are considered self-employment, how to determine self-employment income, and how net earnings from self-employment are figured.

§ 404.1002 Definitions.

(a) *General definitions.* As used in this subpart—

The "Act" means the Social Security Act, as amended.

The "Code" means the Internal Revenue Code of 1954, as amended.

"We", "our", or "us" means the Social Security Administration.

"You" or "your" means any person whose earnings from employment or self-employment are included or excluded under social security.

(b) *Other definitions.* For ease of reference, we have placed other definitions in the sections of this subpart in which they are used.

Employment

§ 404.1003 Employment.

Employment means, generally, any service covered by social security performed by an employee for his or her employer. The rules on who is an employee and who is an employer are contained in §§ 404.1005–404.1010. Section 404.1004 states the general rule on the kinds of work covered as employment. Exceptions to the general rule are contained in §§ 404.1012–404.1037 which explain the kinds of work excluded from employment. All of these rules apply to current work unless otherwise indicated.

§ 404.1004 What work is covered as employment.

(a) *General requirements of employment.* Unless otherwise excluded from coverage under §§ 404.1012–404.1037, the work you perform as an employee for your employer is covered as employment under social security if one of the following situations applies:

(1) You perform the work within the United States (whether or not you or your employer are a citizen or resident of the United States).

(2) You perform the work outside the United States and you are a citizen of the United States working for—

(i) An American employer; or

(ii) A foreign subsidiary of a domestic corporation that has in effect an agreement covering your work under section 3121(l) of the Code.

(3) You perform the work on or in connection with an American vessel or American aircraft and the conditions in paragraph (a)(3) (i) and (ii) are met. Your citizenship or residence does not matter. The citizenship or residence of your employer matters only if it affects whether the vessel is an American vessel.

(i) You enter into the contract of employment within the United States or the vessel or aircraft touches at a port or airport within the United States during the performance of your contract of employment on the vessel or aircraft.

(ii) You are employed on and in connection with the vessel or aircraft when outside the United States.

(b) *Explanation of terms used in this section.* (1) "American employer" means—

(i) The United States or any of its instrumentalities;

(ii) A State, a political subdivision of a State, or an instrumentality of any one or more States or political subdivisions of a State;

(iii) An individual who is a resident of the United States;

(iv) A partnership, if at least two-thirds of the partners are residents of the United States;

(v) A trust, if all of the trustees are residents of the United States; or

(vi) A corporation organized under the laws of the United States or of any State.

(2) "American aircraft" means an aircraft registered under the laws of the United States.

(3) "American vessel" means a vessel documented or numbered under the laws of the United States. It also includes a vessel neither documented nor numbered under the laws of the United States, nor documented under the laws of any foreign country, if its crew is employed solely by one or more citizens or residents of the United States, or corporations organized under the laws of the United States or of any State.

(4) "Citizen of the United States" includes a citizen of the Commonwealth of Puerto Rico, the Virgin Islands, Guam or American Samoa.

(5) "Domestic corporation" refers to a corporation as determined under section 7701 of the Code.

(6) "Foreign subsidiary" refers to a foreign subsidiary as defined in section 3121(l) of the Code.

(7) "On and in connection with" refers to the performance of work on a vessel or aircraft which concerns the vessel or aircraft. Examples of this kind of work are the services performed on a vessel by employees as officers or crew members, or as employees of concessionaires, of the vessel.

(8) "On or in connection with" refers to work performed on the vessel or aircraft and to work which concerns the vessel or aircraft but not actually performed on it. For example, shore services in connection with repairing, loading, unloading, or provisioning a vessel performed by employees as officers or crew members, or as employees of concessionaires, of the vessel are included, since this work concerns the vessel though not performed on it.

(9) "State" refers to the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam and American Samoa.

(10) "United States" when used in a geographical sense means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam and American Samoa.

§ 404.1005 Who is an employee.

You must be an employee for your work to be covered as employment for social security purposes. You are an employee if you are—

(a) A corporation officer as described in § 404.1006;

(b) A common-law employee as described in § 404.1007; or

(c) An agent-driver or commission-driver, a full-time life insurance salesman, a home worker, or a traveling or city salesman as described in § 404.1008.

§ 404.1006 Corporation officer.

If you are an officer of a corporation, you are an employee of the corporation if you are paid or you are entitled to be paid for holding office or performing services. However, if you are a director of a corporation, we consider you to be self-employed when you work as a director.

§ 404.1007 Common-law employee.

(a) *General.* The common-law rules on employer-employee status are the basic test for determining whether you and the person or firm you work for have the relationship of employee and employer. Even though you are considered self-employed under the common-law rules, you may still be an employee for social security purposes under § 404.1006 (relating to corporation officers) or § 404.1008 (relating to workers in four specific jobs). In general, you are a common-law employee if the person you work for may tell you what to do and how, when, and where to do it. The person or firm you work for does not have to give these orders, but needs only the right to do so. Whether or not you are a common-law employee is not always clear. Several aspects of your job arrangement are considered in determining whether you are an employee or are self-employed under the common-law rules.

(b) *Factors that show employee status.* Some aspects of a job arrangement that may show you are an employee are as follows:

(1) The person you work for may fire you.

(2) The person you work for furnishes you with tools or equipment and a place to work.

(3) You receive training from the person you work for or are required to follow that person's instructions.

(4) You must do the work yourself.

(5) You do not hire, supervise, or pay assistants (unless you are employed as a foreman, manager, or supervisor).

(6) The person you work for sets your hours of work, requires you to work full-time, or restricts you from doing work for others.

(7) The person you work for pays your business or traveling expenses.

(8) You are paid by the hour, week or month.

(c) *Factors that show self-employed status.* Some aspects of a job arrangement or business venture that may show you are self-employed are as follows:

(1) You make a profit or suffer a loss.

(2) You are hired to complete a certain job and if you quit before the job is completed you may be liable for damages.

(3) You work for a number of persons or firms at the same time.

(4) You advertise to the general public that you are available to perform services.

(5) You pay your own expenses and have your own equipment and work place.

(d) *Questions about your status.* If there is a question about whether you are working as an employee or are self-employed, we or the Internal Revenue Service will make a determination after examining all of the facts of your case.

§ 404.1008 Agent-driver or commission-driver, full-time life insurance salesman, home worker, or traveling or city salesman.

(a) *General.* In addition to common-law employees and corporation officers, we consider workers in the four types of jobs described in paragraphs (b) through (e) of this section to be employees if their services are performed under the following conditions:

(1) Under the work arrangement the worker is expected to do substantially all of the work personally.

(2) The worker must not have a substantial investment in the facilities used to do the work. Facilities include such things as a place to work, storage space, equipment, machinery and office furniture. However, facilities do not include tools, equipment or clothing of the kind usually provided by employees nor transportation such as a car or truck.

(3) The work must be performed as part of a continuing work relationship between the worker and the person for whom the work is done. The work performed must not be a single transaction. Part-time and regular seasonal work may be performed as part of a continuing work relationship.

(b) *Agent-driver or commission-driver.* This is a driver hired by another person to distribute meat products, vegetable products, fruit products, bakery products, beverages (other than milk), or laundry or dry-cleaning services. We consider you an agent-driver or commission-driver if you are paid a commission based on your sales or the difference between the price you charge your customers and the amount you pay for the goods or services. It makes no difference whether you drive your own truck or the company's truck or whether you solicit the customers you serve.

(c) *Full-time life insurance salesman.* A full-time life insurance salesman's main activity is selling life insurance or

annuity contracts, or both, mostly for one life insurance company. If you are a full-time life insurance salesman, you are probably provided office space, stenographic help, telephone, forms, rate books and advertising materials by the company or general agent, without cost to you.

(d) *Home worker.* A home worker is a person who works away from the place of business of the person he or she works for, usually at home. If you are a home worker and you work according to the instructions of the person you work for, on material or goods furnished by that person, and are required to return the finished product to that person (or another person whom he or she designates), you are an employee.

(e) *Traveling or city salesman.* The main activity of a traveling or city salesman is taking orders for merchandise for another person or firm. The salesman gets orders from wholesalers, retailers, contractors, or operators of hotels, restaurants or other firms whose main business is furnishing food or lodging or both. The salesman sells merchandise to others for resale or for use in their own business. We consider you a traveling or city salesman if most of your work is done for a single person or firm even though you have incidental sideline sales activities. However, you are not an employee under this paragraph as to those sideline sales. If you take orders for a number of persons or firms as a "multiple line" salesman, you are not a traveling or city salesman.

§ 404.1009 Who is an employer.

A person is an employer if he or she employs at least one employee. Sometimes it is not clear who a worker's employer is, since the employer does not always pay the worker's wages. When there is a question about who the employer is, we use the common-law rules to identify the employer (see § 404.1007).

§ 404.1010 Farm crew leader as employer.

A farm crew leader furnishes workers to do agricultural labor for another person, usually a farm operator. If the crew leader pays the workers (the money can be the crew leader's or the farm operator's), the crew leader is deemed to be the employer of the workers and is self-employed. However, the crew leader is not deemed the employer of the workers if there is a written agreement between the crew leader and the farm operator naming the crew leader as an employee. If the crew leader does not have this agreement and does not pay the workers, we use the common-law rules to determine the crew leader's status.

Work Excluded From Employment

§ 404.1012 Work excluded from employment.

Certain kinds of work performed by an employee are excluded from employment. They are described in §§ 404.1014–404.1037 and are exceptions to the general rule in § 404.1004 on the kinds of work that are covered as employment. In general, if the work performed by an employee is excluded from employment, the work is not covered under social security. However, certain kinds of work performed by an employee, even though excluded from employment, are covered as self-employment for social security purposes. In addition, if part of the work performed by an employee for the same employer is included as employment and part is excluded from employment, all the work may be included or all may be excluded as described in § 404.1013.

§ 404.1013 Included-excluded rule.

(a) If part of your work for an employer during a pay period is covered as employment and part excluded, all of your work during that period is considered covered if at least one-half of your time in the pay period is in covered work. If you spend most of your time in a pay period doing work that is excluded, all of your work in that period is excluded.

(b) A "pay period" is the period for which your employer ordinarily pays you. It cannot be more than 31 consecutive days. If the actual period is not always the same, your usual pay period will be used for applying the included-excluded rule.

(c) The included-excluded rule does not apply and your covered work will be counted if—

(1) Part of your work is covered by the Railroad Retirement Tax Act and part by the Social Security Act; or

(2) You have no usual "pay period" of 31 consecutive days or less, or you have separate pay periods for covered and excluded work.

§ 404.1014 Domestic service by a student for a local college club, fraternity or sorority.

(a) *General.* If you are a student and do work of a household nature in or about the club rooms or house of a local college club or local chapter of a college fraternity or sorority, and are enrolled and regularly attending classes at a school, college, or university, your work is not covered as employment.

(b) *Explanation of terms.* (1) "Work of a household nature" means the type of work done by cooks, waiters, butlers, maids, janitors, laundresses, furnacemen, handymen, gardeners, housekeepers and housemothers.

(2) A "local college club or local chapter of a college fraternity or sorority" does not include an alumni club or chapter. Also, if the club rooms or house are used mostly for supplying board or lodging to students or nonstudents as a business, the work done is not excluded by this section.

§ 404.1015 Family services.

(a) *General.* If you work as an employee of a relative, the work is excluded from employment if—

(1) You work as an employee of your spouse;

(2) You work while under age 21 in the employ of your parent;

(3) You do nonbusiness work as an employee of your son or daughter (see § 404.1059(a)(3) for an explanation of nonbusiness work); or

(4) You perform domestic service (as described in § 404.1058(b)) in your son's or daughter's private home as an employee of that son or daughter, unless—

(i) The son or daughter has a child (either natural, adopted or stepchild) living in the home who is under age 18 or, if older, has a mental or physical condition that requires the personal care and supervision of an adult for at least four continuous weeks in the calendar quarter in which the work is done; and

(ii) The son or daughter is a widower or widow, or is divorced and has not remarried, or has a spouse living in the home who, because of a physical or mental condition, is incapable of taking care of the child and the condition is present for at least four continuous weeks in the calendar quarter in which the work is done.

(b) *Family work for other than sole proprietor.* Work for a corporation is not excluded under this section, and work for a partnership is not excluded unless the required family relationship exists between the employee and each of the partners.

§ 404.1016 Foreign agricultural workers.

Farm work done by foreign workers lawfully admitted to the United States on a temporary basis to do farm work is not covered as employment. The excluded work includes any services connected with farm operations.

§ 404.1017 Sharefarmers.

(a) If you are a sharefarmer, your services are not covered as employment, but as self-employment.

(b) You are a sharefarmer if you have an arrangement with the owner or

tenant of the land and the arrangement provides for all of the following:

(1) You will produce agricultural or horticultural commodities on the land.

(2) The commodities you produce or the income from their sale will be divided between you and the person with whom you have the agreement.

(3) The amount of your share depends on the amount of commodities you produce.

(c) If under your agreement you are to receive a specific rate of pay, a fixed sum of money or a specific amount of the commodities not based on your production, you are not a sharefarmer for social security purposes.

§ 404.1018 Work by civilians for the U.S. Government or its instrumentalities.

(a) *General.* If you work as a civilian employee of the United States Government or an instrumentality of the United States, your work is excluded from employment if that work is covered by a retirement system established by law. Your work for an instrumentality that is exempt from social security tax is also excluded. Certain other work for the United States or an instrumentality of the United States is specifically excluded and is described in this section.

(b) *Work covered by a retirement system.* Work you do as an employee of the United States or an instrumentality of the United States is excluded from employment if the work is covered by a retirement system established by a law of the United States. If you have a choice as to whether your work is covered by the retirement system, the work is not covered by that system until you choose that coverage. In order for the exclusion to apply, the work you do, rather than the position you hold, must be covered by the retirement system.

(c) *Work that is specifically excluded.* Work performed by an employee of the United States or an instrumentality of the United States is excluded if it is done—

(1) As the President or Vice President of the United States;

(2) As a Member of the United States Congress, a Delegate to Congress or a Resident Commissioner;

(3) In the legislative branch of the United States Government;

(4) By a student nurse, student dietitian, student physical therapist or student occupational therapist who is assigned or attached to a Federal hospital, clinic, or medical or dental laboratory;

(5) By a person designated as a student employee with the approval of the Office of Personnel Management who is assigned or attached primarily for training purposes to a Federal hospital, clinic, or medical or dental laboratory (other than a medical or dental intern or resident in training);

(6) By an employee serving on a temporary basis in case of fire, storm, earthquake, flood, or other similar emergency;

(7) By a person to whom the Civil Service Retirement Act does not apply because the person's services are subject to another retirement system established by a law of the United States or by the instrumentality of the United States for which the work is done (other than the retirement system established by the Tennessee Valley Authority under the plan approved by the Secretary of Health, Education, and Welfare on December 28, 1956); or

(8) By an inmate of a penal institution of the United States, if the work is done in the penal institution.

(d) *Work for instrumentalities of the United States exempt from employer tax.* (1) Work performed by an employee of an instrumentality of the United States is excluded if—

(i) The instrumentality is exempt from the employer tax imposed by section 3111 of the Code or by section 1410 of the Internal Revenue Code of 1939; and

(ii) The exemption is authorized by another law specifically referring to these sections.

(2) Work performed by an employee of an instrumentality of the United States is excluded if the instrumentality was not on December 31, 1950, subject to the employer tax imposed by section 1410 of the Internal Revenue Code of 1939 and the work is covered by a retirement system established by the instrumentality, unless—

(i) The work is for a corporation wholly owned by the United States;

(ii) The work is for a Federal land bank association, a production credit association, a Federal Reserve Bank, a Federal Credit Union, a Federal land bank, a Federal intermediate credit bank, a bank for cooperatives, or a Federal Home Loan Bank;

(iii) The work is for a State, county, or community committee under the Agriculture Marketing Service and the Commodity Stabilization Service (formerly Production and Marketing Administration); or

(iv) The work is by a civilian, who is not paid from funds appropriated by the Congress, in activities conducted by an instrumentality of the United States subject to the jurisdiction of the Secretary of Defense or Secretary of Transportation at installations intended for the comfort, pleasure, contentment, and mental and physical improvement of personnel of the Defense Department or the Coast Guard, such as—

(A) Army and Air Force Exchange Service;

(B) Army and Air Force Motion Picture Service;

(C) Coast Guard Exchanges;

(D) Navy Ship's Service Stores; and

(E) Marine Corps Post Exchanges.

(3) For purposes of paragraph (d)(2) of this section, if an employee has a choice as to whether his or her work is covered by a retirement system, the work is not covered by that system until he or she chooses that coverage. The work done rather than the position held, must be covered by the retirement system.

(e) *Work as Peace Corps Volunteer.* Work performed as a volunteer or volunteer leader within the meaning of the Peace Corps Act (22 U.S.C. 2501 ff) is covered as employment.

(f) *Work as Job Corps Enrollee.* Work performed as an enrollee in the Job Corps is considered to be performed in the employ of the United States.

(g) *Work by Volunteer in Service to America.* Work performed (including training) as a Volunteer in Service to America is considered to be performed in the employ of the United States if the volunteer in enrolled for a period of service of at least one year. If the enrollment is for less than one year, we use the common-law rules in § 404.1007 to determine the volunteer's status.

§ 404.1019 Work as a member of a uniformed service of the United States.

(a) If you work as a member of a uniformed service of the United States, the work is covered as employment after 1956, unless the work is done while you are on leave without pay or is creditable under the Railroad Retirement Act. The work must be done while you are on active duty or active duty for training as defined in Veterans' Benefits, 38 U.S.C. 101.

(b) You are a "member of a uniformed service" if—

(1) You are appointed, enlisted, or inducted into (or a retired member of)—

(i) One of the armed services (Army, Navy, Air Force, Marine Corps, or Coast Guard); or

(ii) A component of one of the armed services, including any reserve component as defined in Veterans' Benefits, 38 U.S.C. 101 (except the Coast Guard Reserve as a temporary member);

(2) You are a commissioned officer (including a retired commissioned officer) of the National Oceanic and Atmospheric Administration or the Regular or Reserve Corps of the Public Health Service;

(3) You are a member of the Fleet Reserve or Fleet Marine Corps Reserve;

(4) You are a cadet at the United States Military, Coast Guard, or Air Force Academy, or a midshipman at the United States Naval Academy;

(5) You are a member of the Reserve Officers Training Corps, the Naval Reserve Officers Training Corps, or the Air Force Reserve Officers Training Corps, when ordered to annual training duty for 14 days or more including periods of authorized travel to and from that duty; or

(6) You are selected for active military or naval training under the Military Selective Service Act or are provisionally accepted for active duty in the military or naval service and you are ordered or directed to a place for final acceptance or entry upon active duty and are on the way to or from, or at, that place.

§ 404.1020 Work for States and their political subdivisions and instrumentalities.

(a) *General.* If you work as an employee of a State, a political subdivision of a State, or any wholly owned instrumentality of one or more of these, your work is excluded from employment unless—

(1) The work is covered under an agreement under section 218 of the Act (see Subpart M of this part); or

(2) The work is "covered transportation service" as defined in section 210(k) of the Act (see paragraph (b) of this section).

(b) *Covered transportation service.*— (1) *Work for a public transportation system.* If you work for a public transportation system of a State or political subdivision of a State, your work may be covered transportation service if all or part of the system was acquired from private ownership. You must work as an employee of the State or political subdivision in connection with its operation of a public transportation system for your work to be covered transportation service. This paragraph sets out additional conditions that must be met for your work to be covered transportation service. If you work for a public transportation system but your work is not covered transportation service, your work may be covered for social security purposes under an agreement under section 218 of the Act (see Subpart M of this part).

(2) *Transportation system acquired in whole or in part after 1936 and before 1951.* All work after 1950 for a public transportation system is covered transportation service if—

(i) Any part of the transportation system was acquired from private ownership after 1936 and before 1951; and

(ii) No general retirement system covering substantially all work in connection with the operation of the transportation system and guaranteed by the State constitution was in effect on December 31, 1950.

(3) *Transportation system operated on December 31, 1950, no part of which was acquired after 1936 and before 1951.* If no part of a transportation system operated by a State or political subdivision on December 31, 1950, was acquired from private ownership after 1936 and before 1951, work for that public transportation system is not covered transportation service unless performed under conditions described in paragraph (b)(4) of this section.

(4) *Addition after 1950 to existing transportation system.* Work for a public transportation system part of which was acquired from private ownership after 1950 as an addition to an existing transportation system is covered transportation service beginning with the first day of the third calendar quarter following the calendar quarter in which the addition was acquired if—

(i) The work is performed by an employee who—

(A) Worked in employment in connection with the operation of the addition before the addition was acquired by the State or political subdivision; and

(B) Became an employee of the State or political subdivision in connection with and at the time of its acquisition of the addition;

(ii) On that first day, work performed by that employee is—

(A) Not covered by a general retirement system; or

(B) Covered by a general retirement system which contains special provisions that apply only to employees described in paragraph (b)(4)(i)(B) of this section;

(iii) The existing transportation system was operated by the State or political subdivision on December 31, 1950; and

(iv) Work for the existing transportation system was not covered transportation service because—

(A) No part of the system was acquired from private ownership after 1936 and before 1951; or

(B) The general retirement system described in paragraph (b)(2)(ii) of this section was in effect on December 31, 1950.

(5) *Transportation system acquired after 1950.* All work for a public transportation system is covered transportation service if—

(i) The transportation system was not operated by the State or political subdivision before 1951;

(ii) All or part of the transportation system was first acquired from private ownership after 1950; and

(iii) At the time the State or political subdivision first acquired any part of its transportation system from private ownership, it did not have a general retirement system covering substantially all work performed in connection with the operation of the transportation system.

(6) *Definitions.* (i) The term "general retirement system" means any pension, annuity, retirement, or similar fund or system established by a State or by a political subdivision of a State for employees of the State, the political subdivision, or both. The term does not include a fund or system which covers only work performed in positions connected with the operation of the public transportation system.

(ii) A transportation system (or part of a system) is considered to have been acquired from private ownership by a State or political subdivision if—

(A) Before the acquisition, work performed by employees in connection with the operation of the system (or an acquired part) constituted employment under the Act; and

(B) Some of these employees became employees of the State or political subdivision in connection with and at the time of the acquisition.

(iii) The term "political subdivision" includes an instrumentality of a State, of one or more political subdivisions of a State, or of a State and one or more of its political subdivisions.

§ 404.1021 Work for the District of Columbia.

If you work as an employee of the District of Columbia or a wholly owned instrumentality of the District of Columbia, your work is covered as employment unless—

(a) Your work is covered by a retirement system established by a law of the United States; or

(b) You are—

(1) A patient or inmate of a hospital or penal institution and your work is for that hospital or institution;

(2) A student employee (a student nurse, dietitian, or physical or occupational therapist, but not a medical or dental intern or resident in training) of a District of Columbia hospital, clinic, or medical or dental laboratory;

(3) An employee serving temporarily in case of fire, storm, snow, earthquake, flood, or other similar emergency; or

(4) A member of a board, committee, or council of the District of Columbia paid on a per diem, meeting, or other fee basis.

§ 404.1022 American Samoa or Guam.

(a) *Work in American Samoa or Guam.* Work in American Samoa or Guam for a private employer is covered as employment the same as in the 50 States. Work done by a resident of the Republic of the Philippines working in Guam on a temporary basis as a nonimmigrant alien admitted to Guam under section 101(a)(15)(H)(ii) of the Immigration and Nationality Act is excluded from coverage regardless of the employer.

(b) *Work for American Samoa or a political subdivision or wholly owned instrumentality of American Samoa.* Work as an officer or employee (including a member of the legislature) of the government of American Samoa, its political subdivisions, or any wholly owned instrumentality of any one or more of these, is covered as employment (unless the work is covered by a retirement system established by a law of the United States). The officer or employee is not considered as an employee of the United States, an agency of the United States, or an instrumentality of the United States, for purposes of title II of the Act. We consider any pay for this work to have been paid by the government of American Samoa, or the political subdivision or the wholly owned instrumentality of American Samoa.

(c) *Work for Guam or a political subdivision or wholly owned instrumentality of Guam.* Work as an officer or employee (including a member of the legislature) of the government of Guam, its political subdivisions, or any wholly owned instrumentality of any one or more of these, is excluded from coverage as employment. However, the exclusion does not apply to employees classified as temporary or intermittent unless the work is—

(1) Covered by a retirement system established by a law of Guam;

(2) Done by an elected official;

(3) Done by a member of the legislature; or

(4) Done in a hospital or penal institution by a patient or inmate of the hospital or penal institution.

§ 404.1023 Ministers of churches and members of religious orders.

(a) *General.* If you are a duly ordained, commissioned, or licensed minister of a church, the work you do in the exercise of your ministry is excluded from employment. However, it is treated as self-employment for social security purposes. If you are a member of a religious order who has not taken a vow of poverty, the same rule applies to the work you do in the exercise of your duties required by that order. If you are a member of a religious order who has taken a vow of poverty, the work you do in the exercise of duties required by the order (the work may be done for the order or for another employer) is covered as employment only if the order or autonomous subdivision of the order to which you belong has filed an effective election of coverage. The election is made under section 3121(r) of the Code. For the rules on self-employment coverage of ministers and members of religious orders who have not taken vows of poverty, see § 404.1071.

(b) *What is an ordained, commissioned, or licensed minister.* The terms "ordained, commissioned, or licensed" describe the procedures followed by recognized churches or church denominations to vest ministerial status upon qualified individuals. If a church or church denomination has an ordination procedure, the commissioning or licensing of a person as a minister may not make him or her a commissioned or licensed minister for purposes of this subpart. Where there is an ordination procedure, the commissioning or licensing must be recognized as having the same effect as ordination and the person must be fully qualified to exercise all of the ecclesiastical duties of the church or church denomination.

(c) *When is work by a minister in the exercise of the ministry.* (1) A minister is working in the exercise of the ministry when he or she is—

(i) Ministering sacerdotal functions or conducting religious worship (other than as described in paragraph (d)(2) of this section); or

(ii) Working in the control, conduct, and maintenance of a religious organization (including an integral agency of a religious organization) under the authority of a religious body constituting a church or church denomination.

(2) The following rules are used to decide whether a minister's work is in the exercise of the ministry:

(i) Whether the work is the conduct of religious worship or the ministration of sacerdotal functions depends on the tenets and practices of the religious body which is his or her church or church denomination.

(ii) Work in the control, conduct, and maintenance relates to directing, managing, or promoting the activities of the religious organization. Any religious organization is considered to be under the authority of a religious body constituting a church or church denomination if it is organized and dedicated to carrying out the tenets and principles of a faith according to either the requirements or sanctions governing the creation of institutions of the faith. The term "religious organization" has the same meaning and application as is given to the term for income tax purposes under the Code.

(iii) If a minister is working in the conduct of religious worship or the ministration of sacerdotal functions, the work is in the exercise of the ministry whether or not it is performed for a religious organization. (See paragraph (d)(2) of this section for an exception to this rule.)

Example. M, a duly ordained minister, is engaged to work as chaplain at a privately owned university. M spends his entire time working as chaplain. This includes the conduct of religious worship, offering spiritual counsel to the university students, and teaching a class in religion. M is working in the exercise of the ministry.

(iv) If a minister is working for an organization which is operated as an integral agency of a religious organization under the authority of a religious body constituting a church or church denomination, all work by the minister in the conduct of religious worship, in the ministration of sacerdotal functions, or in the control, conduct, and maintenance of the organization is in the exercise of the ministry.

Example. M, a duly ordained minister, is engaged by the N Religious Board as director of one of its departments. M performs no other service. The N Religious Board is an integral agency of O, a religious organization operating under the authority of a religious body constituting a church denomination. M is working in the exercise of the ministry.

(v) If a minister, under an assignment or designation by a religious body constituting a church, works for an organization which is neither a religious organization nor operated as an integral agency of a religious organization, all service performed by him or her, even though the service may not involve the conduct of religious worship or the ministration of sacerdotal functions, is in the exercise of the ministry.

Example. M, a duly ordained minister, is assigned by X, the religious body constituting M's church, to perform advisory service to Y company in connection with the publication of a book dealing with the history of M's church denomination. Y is neither a religious organization nor operated as an integral agency of a religious organization. M performs no other service for X or Y. M is working in the exercise of the ministry.

(vi) If a minister is working for an organization which is neither a religious organization nor operated as an integral agency of a religious organization and the work is not performed under an assignment or designation by ecclesiastical superiors, then only the work done by the minister in the conduct of religious worship or the ministration of sacerdotal functions is in the exercise of the ministry. (See paragraph (d)(2) of this section for an exception to this rule.)

Example. M, a duly ordained minister, is engaged by N University to teach history and mathematics. M does no other work for N although from time to time M performs marriages and conducts funerals for relatives and friends. N University is neither a religious organization nor operated as an integral agency of a religious organization. M is not working for N under an assignment by his ecclesiastical superiors. The work performed by M for N University is not in the exercise of the ministry. However, service performed by M in performing marriages and conducting funerals is in the exercise of the ministry.

(d) *When is work by a minister not in the exercise of the ministry.* (1) Work performed by a duly ordained, commissioned, or licensed minister of a church which is not in the exercise of the ministry is not excluded from employment.

(2) Work performed by a duly ordained, commissioned, or licensed minister of a church as an employee of the United States, or a State, territory, or possession of the United States, or the District of Columbia, or a foreign government, or a political subdivision of any of these, is not in the exercise of the ministry, even though the work may involve the ministration of sacerdotal functions or the conduct of religious worship. For example, we consider service performed as a chaplain in the Armed Forces of the United States to be work performed by a commissioned officer and not by a minister in the exercise of the ministry. Also, service performed by an employee of a State as a chaplain in a State prison is considered to be performed by a civil servant of the State and not by a minister in the exercise of the ministry.

(e) *Work in the exercise of duties required by a religious order.* Work performed by a member of a religious order in the exercise of duties required by the order includes all duties required of the member of the order. The nature or extent of the work is immaterial so long as it is service which the member is directed or required to perform by the member's ecclesiastical superiors.

§ 404.1024 Election of coverage by religious orders.

A religious order whose members are required to take a vow of poverty, or any autonomous subdivision of that religious order, may elect to have social security coverage extended to the work performed by its members in the exercise of duties required by that order or subdivision. The rules on the election of coverage by these religious orders are described in 26 CFR 31.3121(r). The rules on determining the wages of members of religious orders for which an election of coverage has been made are described in § 404.1046.

§ 404.1026 Work for religious, charitable, educational, or certain other organizations exempt from income tax.

(a) *General.* Work done by an employee in the employ of a religious, charitable, educational, or other organization described in section 501(c)(3) of the Code which is exempt from income tax under section 501(a) of the Code (section 101(6) of the Internal Revenue Code of 1939) is excluded from employment. This exclusion does not apply to work done during the period for which a form SS–15, Certificate Waiving Exemption From Taxes Under the Federal Insurance Contributions Act, is filed under paragraph (b) of this section, or an organization is deemed to have filed a waiver certificate under paragraph (c) of this section.

(b) *Election of coverage by filing form SS–15 and form SS–15a.* Form SS–15, Certificate Waiving Exemption From Taxes Under the Federal Insurance Contributions Act, and form SS–15a, List of Concurring Employees, filed under section 3121(k) of the Code, have the effect of covering work done by an employee—

(1) Whose signature appears on the form SS–15a (or a supplemental list); or

(2) Who became an employee of the organization after the calendar quarter in which the form SS–15 was filed; or

(3) Who became a member of a group of employees as described in section 3121(k)(1)(E) of the Code after the calendar quarter in which the form SS–15 was filed for that group.

(c) *Deemed filing of waiver certificate.* Under certain conditions, an organization which has never filed a certificate waiving its exemption from social security taxes but has reported wages and paid social security taxes for its employees is deemed to have filed a waiver certificate and elected to cover the services of its employees under social security. Each employee listed on the filed wage reports is deemed to have concurred in the filing of the certificate. The authority and conditions for the deemed filing of a waiver certificate and employee coverage for social security purposes are found in section 3121(k) of the Code.

(d) *Coverage of individual employees.* (1) For the payments to employees or organizations described in paragraph (c) of this section to be considered wages as defined in § 404.1041(a), the employee must—

(i) Request that the payments be considered wages when a deemed filed certificate is not effective for certain periods because of section 3121(k)(4)(C) of the Code; or

(ii) Request that the payments be considered wages when, for periods between March 31, 1972, and the date a deemed filed certificate is effective, the payments were reported for social security purposes and the employer has obtained a refund or credit for the social security taxes paid on those payments.

(2) The request must be in writing and filed with either the Social Security Administration or the Internal Revenue Service on or before April 15, 1980. The written request should identify the employer or employers, the periods in which the work was done and the approximate amount of wages paid in these periods. The employee must show that the employee's share of the social security taxes due on his or her wages has been paid to the Internal Revenue Service or that arrangements have been made with the Internal Revenue Service to make the required payment.

§ 404.1027 Railroad work.

We exclude from employment any work you do as an employee or employee representative as described in the Railroad Retirement Tax Act. However, railroad compensation can be counted for social security purposes under the conditions described in Subpart O of this part.

§ 404.1028 Student working for a school, college, or university.

(a) For purposes of this section, a "school, college, or university" has its usual accepted meaning. It does not, however, include any school, college, or university that is an instrumentality or integral part of a State or a political subdivision of a State for which work can only be covered by an agreement under section 218 of the Act. (See Subpart M of this part.)

(b) If you are a student, any work you do as an employee of a school, college or university is excluded from employment, if you are enrolled in and regularly attending classes at that school, college, or university. The exclusion also applies to work you do for a private nonprofit auxiliary

organization of the school, college, or university if it is organized and operated exclusively for the benefit of, to perform functions of, or to carry out the purposes of the school, college, or university. The organization must be operated, supervised, or controlled by, or in connection with, the school, college, or university.

(c) Whether you are a student for purposes of this section depends on your relationship with your employer. If your main purpose is pursuing a course of study rather than earning a livelihood, we consider you to be a student and your work is not considered employment.

§ 404.1029 Student nurses.

If you are a student nurse, your work for a hospital or nurses training school is excluded from employment if you are enrolled and regularly attending classes in a nurses training school which is chartered or approved under State law.

§ 404.1030 Delivery and distribution or sale of newspapers, shopping news, and magazines.

(a) *If you are under age 18.* Work you do before you reach age 18 delivering or distributing newspapers or shopping news is excluded from employment. This does not include delivery or distribution to some point for further delivery or distribution by someone else. If you make house-to-house delivery or sale of newspapers or shopping news (including handbills and similar kinds of advertising material), your work is not covered while you are under age 18. Related work such as assembling newspapers is also excluded.

(b) *If you are any age.* No matter how old you are, work you do in connection with and at the time of the sale of newspapers or magazines to consumers is excluded from employment if there is an arrangement under which—

(1) You are to sell the newspapers or magazines at a fixed price; and

(2) Your pay is the difference between the fixed selling price and the amount you are charged for the newspapers or magazines (whether or not you are guaranteed a minimum amount of compensation or receive credit for unsold newspapers or magazines).

(c) *If you are age 18 or older.* If you have attained age 18, you are self-employed if you work under the arrangement described in paragraph (b) of this section. See § 404.1068(b).

§ 404.1031 Fishing.

(a) If you work on a boat engaged in catching fish or other forms of aquatic animal life, your work is not employment if you have an arrangement with the owner or operator of the boat which provides for all of the following:

(1) You do not receive any cash pay (other than as provided in paragraph (a)(2) of this section).

(2) You receive a share of the catch or a share of the proceeds from the sale of the catch.

(3) The amount of your share depends on the size of the catch.

(4) The operating crew of the boat (or each boat from which you receive a share if the fishing operation involves more than one boat) is normally made up of fewer than 10 individuals.

(b) Work excluded from employment under this section is considered to be self-employment (§ 404.1068(e)).

§ 404.1032 Work for a foreign government.

If you work as an employee of a foreign government in any capacity, your work is excluded from employment. If you are a citizen of the United States and work in the United States as an employee of a foreign government, you are considered to be self-employed (§ 404.1068(d)).

§ 404.1033 Work for a wholly owned instrumentality of a foreign government.

(a) If you work as an employee of an instrumentality of a foreign government, your work is excluded from employment if—

(1) The instrumentality is wholly owned by the foreign government;

(2) Your work is similar to work performed in foreign countries by employees of the United States Government or its instrumentalities; and

(3) The Secretary of State certifies to the Secretary of the Treasury that the foreign government grants an equivalent exemption for services performed in the foreign country by employees of the United States Government or its instrumentalities.

(b) Your work will not be excluded under this section if any of the conditions in paragraph (a) of this section are not met.

(c) If you are a citizen of the United States and work in the United States as an employee of an instrumentality of a foreign government and the conditions in paragraph (a) of this section are met, you are considered to be self-employed (§ 404.1068(d)).

§ 404.1034 Work for an international organization.

(a) If you work as an employee of an international organization entitled to enjoy privileges, exemptions, and immunities as an international organization under the International Organizations Immunities Act (59 Stat. 669), your work is excluded from employment. The organization must meet the following conditions:

(1) It must be a public international organization in which the United States participates under a treaty or authority of an act of Congress authorizing, or making an appropriation for, participation.

(2) It must be designated by executive order to be entitled to enjoy the privileges, exemptions, and immunities provided in the International Organizations Immunities Act.

(3) The designation must be in effect, and all conditions and limitations in the designation must be met.

(b) Your work will not be excluded under this section if any of the conditions in paragraph (a) of this section are not met.

(c) If you are a citizen of the United States and work in the United States as an employee of an international organization that meets the conditions in paragraph (a) of this section, you are considered to be self-employed (§ 404.1068(d)).

§ 404.1035 Work for a communist organization.

If you work as an employee of an organization which is registered, or which is required by a final order of the Subversive Activities Control Board to register under the Internal Security Act of 1950 as a communist action, communist-front, or communist-infiltrated organization, your work is excluded from employment. The exclusion is effective with the calendar year in which the organization is registered or the final order is in effect.

§ 404.1036 Certain nonresident aliens.

(a) *Foreign students.* Foreign students (nonimmigrant aliens) may be temporarily in the United States under subparagraph (F) of section 101(a)(15) of the Immigration and Nationality Act to attend a school or other recognized place of study approved by the Attorney General. On-campus work or work under permission granted by the Immigration and Naturalization Service which is done by these students is excluded from employment. Other work done by these foreign students is not excluded from employment under this section.

(b) *Exchange visitors.* Exchange visitors (nonimmigrant aliens) may be temporarily in the United States under subparagraph (J) of section 101(a)(15) of the Immigration and Nationality Act to participate in exchange visitor programs designated by the Secretary of State. Work done by these exchange visitors to carry out the purpose for which they were admitted and for which permission

has been granted by the sponsor, is excluded from employment. Other work done by these exchange visitors is not excluded from employment under this section.

(c) *Spouse and children.* Work done by a foreign student's or exchange visitor's alien spouse or minor child who is also temporarily in the United States under subparagraph (F) or (J) of section 101(a)(15) of the Immigration and Nationality Act is not excluded from employment under this section unless that spouse or child and the work that is done meets the conditions of paragraph (a) or (b) of this section.

§ 404.1037 Work on or in connection with a non-American vessel or aircraft.

If you work as an employee within the United States on or in connection with (as explained in § 404.1004(b)(8)) a vessel or aircraft that is not an American vessel (as defined in § 404.1004(b)(3)) or American aircraft (as defined in § 404.1004(b)(2)), your work is excluded from employment if—

(a) You are not a citizen of the United States or your employer is not an American employer (as defined in § 404.1004(b)(1)); and

(b) You are employed on and in connection with (as explained in § 404.1004(b)(7)) the vessel or aircraft when outside the United States.

Wages

§ 404.1041 Wages.

(a) The term "wages" means remuneration paid to you as an employee for employment unless specifically excluded. Wages are counted in determining your entitlement to retirement, survivors', and disability insurance benefits.

(b) If you are paid wages, it is not important what they are called. Salaries, fees, bonuses and commissions on sales or on insurance premiums are wages if they are remuneration paid for employment.

(c) The way in which you are paid is unimportant. Wages may be paid on the basis of piecework or a percentage of the profits. Wages may be paid on an hourly, daily, weekly, monthly, or yearly basis. (See § 404.1056 for special rules for agricultural labor.)

(d) Your wages can be in any form. You can be paid in cash or in something other than cash, as for example, goods, lodging, food, or clothing. If your employer pays you cash for your meals or lodging on a regular basis as part of your employment, those payments may be considered wages. Payments made in the form of items other than cash may be counted as wages on the basis of the fair value of the items when paid.

§ 404.1042 Wages when paid and received.

(a) *In general.* Wages are received by an employee at the time they are paid by the employer to the employee. Wages are paid by an employer at the time that they are actually or constructively paid unless they are deemed to be paid later (as described in paragraph (c)(3) of this section).

(b) *Constructive payment.* Wages are constructively paid when they are credited to the account of, or set aside for, an employee so that they may be drawn upon by the employee at any time although not then actually received. To be a payment—

(1) The wages must be credited to or set aside for the employee and must be made available without restriction so that they may be drawn upon at any time; or

(2) The employer must intend to pay or to set aside or credit, and have the ability to pay wages when due to the employee, and failure of the employer to credit or set aside the wages is due to clerical error or mistake in the mechanics of payment, and because of the clerical error or mistake the wages are not actually available at that time.

(c) *Deemed payment.* (1) The first $100 of cash paid, either actually or constructively, by an employer to an employee in a calendar year is considered paid at the time that the amount of the cash payment totals $100 for the year in the case of pay for—

(i) Work not in the course of the employer's trade or business (non-business work);

(ii) Work by certain home workers; and

(iii) Work for an organization exempt from income tax under section 501 of the Code.

(2) We also apply this rule to domestic work in a private home of the employer, except that the test is $50 paid in a calendar quarter.

(3) Cash of less than $150 that an employer pays to an employee in a calendar year, either actually or constructively, for agricultural labor is considered paid at the earliest of—

(i) The time in the calendar year that the employee's pay totals $150; or

(ii) The 20th day of the calendar year on which the employee works for cash pay computed on a time basis.

(4) If an employer pays cash to an employee for two or more of the kinds of work referred to in paragraph (c)(1) of this section, we apply the provisions of this paragraph to the pay for each kind of work.

(d) *Employee tax deductions.* We consider employee tax deductions under section 3101 of the Code to be part of the employee's wages and consider them to be paid at the time of the deduction. We consider other deductions from wages to be wages paid at the time of the deduction. It is immaterial that the deductions are required or permitted by an act of Congress or the law of any State.

(e) *Tips.* (1) Tips received by an employee in the course of employment, that are considered to be "wages", are deemed to be paid at the time the employee reports the tips to the employer in a written statement as provided under section 6053(a) of the Code. Tips that are not reported are deemed to be paid to the employee at the time they are received by the employee.

(2) We consider tips to be received in the course of employment whether they are received by the employee from the employer or from another person. Only tips employees receive and keep for themselves are considered to be the employees' pay. If employees split tips, each employee who receives part of the tip receives tips in the course of employment.

§ 404.1043 Facilities or privileges—Meals and lodging.

(a) Generally, facilities or privileges that an employer furnishes or offers to an employee are not considered wages if the facilities or privileges—

(1) Are of relatively small value; and

(2) Are offered or furnished by the employer merely as a means of promoting the health, good will, contentment, or efficiency of the employees.

(b) The term "facilities or privileges" includes such things as entertainment, medical services, and so-called "courtesy" discounts on purchases. The term does not usually include the value of meals or lodging furnished to employees. The value of these items is wages where—

(1) It is understood by the employer and employee that the employer is to furnish to the employee meals or lodging or both on a regular basis; or

(2) The value of the items is a large part of the total pay. For example, the value of meals or lodging furnished to hospital, restaurant, or hotel employees, or to seamen or other employees aboard vessels, is generally wages because either one or both of these conditions are met.

§ 404.1044 Vacation pay.

We consider your salary while on vacation, or a "vacation allowance" paid by your employer, to be wages.

§ 404.1045 Employee expenses.

Amounts that your employer pays you specifically—either as advances or reimbursements—for traveling or for other ordinary and necessary expenses incurred, or reasonably expected to be incurred, in your employer's business are not wages. The employer must identify these travel and other expenses either by making a separate payment or by specifically stating the separate amounts if both wages and expense allowances are combined in a single payment.

§ 404.1046 Pay for work by certain members of religious orders.

If you are a member of a religious order who has taken a vow of poverty (§ 404.1023), and the order has elected social security coverage under section 3121(r) of the Code, your wages are figured in a special way. Your wages, for social security purposes, are the fair market value of any board, lodging, clothing, and other items of value furnished by the order, or by another organization or person under an agreement with the order. However, the order must report at least $100 a month for each active member. If the fair market value of items furnished to all members of a religious order does not vary significantly, the order may consider all members to have a uniform wage.

§ 404.1047 Annual wage limitation.

Payments made by an employer to you as an employee in a calendar year that are more than the annual wage limitation are not wages. The annual wage limitation is—

(a) $3,600 for 1951 through 1954;
(b) $4,200 for 1955 through 1958;
(c) $4,800 for 1959 through 1965;
(d) $6,600 for 1966 and 1967;
(e) $7,800 for 1968 through 1971;
(f) $9,000 for 1972;
(g) $10,800 for 1973;
(h) $13,200 for 1974;
(i) $14,100 for 1975;
(j) $15,300 for 1976;
(k) $16,500 for 1977;
(l) $17,700 for 1978;
(m) $22,900 for 1979;
(n) $25,900 for 1980;
(o) $29,700 for 1981; and
(p) After 1981 an amount equal to the contribution and benefit base figured under § 404.1048 for that year.

§ 404.1048 Contribution and benefit base after 1981.

(a) *General.* The contribution and benefit base after 1981 is figured under the formula described in paragraph (b) of this section in any calendar year in which there is an automatic cost-of-living increase in old-age, survivors, and disability insurance benefits. The base remains the same if there is no cost-of-living increase in these benefits. The base for 1981 is $29,700. For purposes of this section, the calendar year in which the contribution and benefit base is figured is called the determination year. The base figured in the determination year applies to wages paid after (and taxable years beginning after) the determination year.

(b) *Formula for figuring the contribution and benefit base.* For wages paid after (and taxable years beginning after) the determination year, the contribution and benefit base is the larger of—

(1) The contribution and benefit base in effect for the determination year; or

(2) The amount determined by—

(i) Multiplying the contribution and benefit base in effect for the determination year by the ratio of—

(A) The average of the total wages (as described in paragraph (c) of this section) reported to the Secretary of the Treasury for the calendar year before the determination year to;

(B) The average of the total wages reported to the Secretary of the Treasury for the calendar year before the most recent calendar year in which an increase in the contribution and benefit base was enacted or a determination under this section resulting in an increase of the base was made; and

(ii) Rounding the result of the multiplication, if not a multiple of $300, to—

(A) The nearest multiple of $300; or

(B) The next higher multiple of $300 if the result is a multiple of $150.

(c) *Average of the total wages.* The average of the total wages means the amount equal to all payments to employees reported to the Internal Revenue Service for income tax purposes divided by the number of wage earners. The reported payments include earnings from work not covered under social security and earnings from work covered under social security that are more than the annual wage limitation described in § 404.1047.

§ 404.1049 Payments under an employer plan or system.

(a) Payments to, or on behalf of, you or any of your dependents under your employer's plan or system are excluded from wages. In order to be excluded the payments must be made because of—

(1) Your retirement; or

(2) Your or your dependent's—

(i) Sickness or accident disability;

(ii) Medical or hospitalization expenses connected with sickness or accident disability; or

(iii) Death.

(b) Payments to you or your dependents under your employer's plan at or after the termination of your employment relationship because of your death, retirement for disability, or retirement after reaching an age specified in the plan or in a pension plan of the employer are excluded from wages.

(c) The plan or system established by the employer must provide for the employees generally or for a class or classes of employees. The plan or system may also provide for these employees' dependents. Payments under a plan or system established only for your dependents are not excluded from wages. The plan or system established by the employer can provide for payments on account of one or more of the items in paragraphs (a) and (b) of this section.

(d) For purposes of this section, your dependents include your husband or wife, children, and any other members of your immediate family.

(e) It does not make any difference that the benefit payments are considered in arriving at the amount of your pay or are required by the employment agreement.

§ 404.1050 Retirement payments.

We do not include as wages any payment an employer makes to you (including any amount paid by an employer for insurance or annuities) because of your retirement. This exclusion is different from the one in section § 404.1049 because no plan or system is required.

§ 404.1051 Payments on account of sickness or accident disability, or related medical or hospitalization expenses, not made under a plan or system.

We do not include as wages any payment that an employer makes to you, or on your behalf, on account of your sickness or accident disability, or related medical or hospitalization expenses, if the payment is made 6 or more calendar months following the last calendar month in which you worked for that employer.

§ 404.1052 Payments from or to certain tax-exempt trusts.

(a) We do not include as wages any payment made—

(1) Into a tax-exempt trust by your employer on behalf of you or your beneficiary; or

(2) From a tax-exempt trust to, or on behalf of, you or your beneficiary.

(b) The trust must be exempt from tax under sections 401 and 501(a) of the Code when the payment is made.

(c) The exclusion does not apply to payments to an employee of the trust for work done as an employee of the trust.

§ 404.1053 Payments under or into certain annuity plans.

(a) We do not include as wages any payment made—

(1) Into an annuity plan by your employer on behalf of you or your beneficiary; or

(2) Under an annuity plan to, or on behalf of, you or your beneficiary.

(b) The annuity plan must be a plan described in section 403(a) of the Code when the payment is made.

§ 404.1054 Payments under or into certain bond purchase plans.

(a) We do not include as wages any payment made—

(1) Into a bond purchase plan by your employer on behalf of you or your beneficiary; or

(2) Under a bond purchase plan to, or on behalf of, you or your beneficiary.

(b) The plan must be a qualified bond purchase plan described in section 405(a) of the Code when the payment is made.

§ 404.1055 Payments by an employer of employee's tax or employee's contributions under State law.

We do not include as wages any payment by an employer that is not deducted from your salary (or for which reimbursement is not made by you) of either—

(a) The tax imposed by section 3101 of the Code (employee's share of "social security tax"); or

(b) Any payment required from an employee under a State unemployment compensation law.

§ 404.1056 Payments for agricultural labor.

(a) *The cash-pay and 20-day tests.* Cash payments you receive from an employer for agricultural labor (see § 404.1057) are wages if they are $150 or more in a calendar year, or if you perform agricultural labor for the employer on 20 days or more during the year for cash payments computed on a time basis. Non-cash payments for agricultural labor are not counted as wages.

Example. On 18 days in 1977 A performs agricultural labor for X for cash pay of $8 per day, and X pays A $144 in the year. A performs no further service for X. Neither the $150-cash-pay test nor the 20-day test is met. Therefore, the payments by X to A are not wages. If in 1977 A had performed agricultural labor for X on 20 days for cash pay of $144, the $144 paid by X to A would have been wages because the 20-day test would have been met. Or if A had performed the 18 days of agricultural labor for cash pay of $8.50 per day and had been paid in full in 1977, his cash pay of $153 would have been wages because the $150-cash-pay test would have been met.

(b) *Application of cash-pay test.* (1) If you receive cash pay from an employer both for services which are agricultural labor and for services which are not agricultural labor, we only count the amounts paid for agricultural labor in determining whether cash payments of $150 or more have been made in the calendar year for agricultural labor.

Example. Employer X operates a store and also operates a farm. Employee A, who regularly works in the store, works, on X's farm when additional help is required for the farm activities. In calendar year 1977, X pays A $140 in cash computed on a time basis for agricultural labor performed on 19 different days in that year, and $2,260 for work in connection with the operation of the store. Since the cash payments by X to A in the calendar year 1977 for agricultural labor are less than $150, the cash-pay test is not met. Since A performed agricultural labor for X on less than 20 days in 1977, the 20-day test is not met. The $140 paid by X to A in 1977 for agricultural labor is not wages.

(2) The cash-pay test of $150 or more is based on cash paid in a calendar year rather than on amounts earned during a calendar year.

(3) If you receive cash pay for agricultural labor in any one calendar year from more than one employer, we apply the cash-pay test to payments you received from each employer.

(c) *Application of 20-day test.* (1) We count only agricultural labor for which cash pay is computed on a time basis when determining whether you meet the 20-day test during a calendar year. For purposes of the 20-day test, the amount of the cash pay is immaterial, and it is immaterial whether you also receive payments other than cash or payments that are not computed on a time basis. If cash paid to you for agricultural labor is computed on a time basis, the payments are not "wages" unless they are paid in a calendar year in which either the 20-day test or the $150-cash-pay test is met.

Example. Employer X employs A to construct fences on a farm owned by X. The work constitutes agricultural labor and is performed over 30 days in November and December 1977. A is not employed by X at any other time. A's pay consists of meals and lodging, and $10 cash per day. X pays A $140 cash in December 1977 and $160 cash in January 1978 in full payment for the work. Since A has performed agricultural labor for X on 30 days in 1977, for pay computed on a time basis, the 20-day test is met for 1977 and the $140 cash paid in 1977 is wages. It does not matter that the $150-cash-pay test is not met for 1977. Since X has paid A $160 in cash in 1978 for agricultural labor, the $150-cash-pay test is met for 1978 and the $160 cash paid in 1978 is wages. It does not matter that the 20-day test is not met for 1978. If the payments by X to A in January 1978 had been less than $150, neither the $150-cash-pay test nor the 20-day test would have been met for calendar year 1978, and A's pay in that year would not have been wages.

(2) For determining whether you perform agricultural labor for an employer on 20 days or more during any calendar year for cash pay computed on a time basis, we count as 1 day—

(i) Any day or part of a day on which you actually perform agricultural labor for cash pay computed on a time basis;

(ii) Any day or part of a day on which you do not work, but for which cash pay is paid or payable to you for agricultural labor, such as a day on which you are sick or on vacation; and

(iii) Any day you report for work at the direction of your employer and are ready to work, whether or not you actually perform labor on that day.

Example. During the period of 20 days beginning April 11, 1977, and ending April 30, 1977, employee A was employed by employer X to perform agricultural labor on X's farm. The agreement provided that A would be furnished room and board at the farm and would be paid in cash $150 per month. On 1 day during the 20-day period A was sick and unable to work, and on another day X told A not to work because of weather conditions. At the end of A's employment X paid A $100 in cash for the full 20-day period. The 20-day test had been met and the $100 cash pay is wages.

(3) If in any 1 calendar year you perform agricultural labor for more than one employer, the 20-day test is applied to each employer.

§404.1057 Explanation of agricultural labor.

(a) *What is agricultural labor.* (1) If you work on a farm as an employee of any person, you are doing agricultural labor if your work has to do with—

(i) Cultivating the soil;

(ii) Raising, shearing, feeding, caring for, training or managing livestock, bees, poultry, fur-bearing animals or wildlife; or

(iii) Raising or harvesting any other agricultural or horticultural commodity.

(2) If you work on a farm as an employee of any person in connection with the production or harvesting of maple sap, the raising or harvesting of mushrooms, or the hatching of poultry, you are doing agricultural labor. If you work in the processing of maple sap into maple syrup or maple sugar you are not doing agricultural labor even though you work on a farm. Work in a mushroom cave or poultry hatchery is agricultural

labor only if the cave or hatchery is operated as part of a farm.

(3) If you work as an employee of the owner, tenant, or other operator of a farm, you are doing agricultural labor if most of your work is done on a farm and is involved with—

(i) The operation, management, conservation, improvement, or maintenance of the farm or its tools or equipment (this may include work by carpenters, painters, mechanics, farm supervisors, irrigation engineers, bookkeepers, and other skilled or semiskilled workers); or

(ii) Salvaging timber or clearing the land of brush and other debris left by a hurricane.

(4) You are doing agricultural labor no matter for whom or where you work, if your work involves—

(i) Cotton ginning;

(ii) Operating or maintaining ditches, canals, reservoirs, or waterways, if they are used only for supplying and storing water for farm purposes and are not owned or operated for profit; or

(iii) producing or harvesting crude gum (oleoresin) from living trees or processing the crude gum into gum spirits of turpentine and gum resin (if the processing is done by the original producer).

(5) Your work as an employee in the handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage, to a market or to a carrier for transportation to market, of any agricultural or horticultural commodity is agricultural labor if—

(i) You work for a farm operator or a group of farm operators (other than a cooperative organization);

(ii) Your work involves the commodity in its raw or unmanufactured state; and

(iii) The operator produced most of the commodity you work with during the period for which you are paid, or if you work for a group of operators, all of the commodity you work with during the pay period is produced by that group.

(6) If you do nonbusiness work or domestic work in the private home of your employer, it is agricultural labor if you do the work on a farm operated for profit. A farm is not operated for profit if the employer primarily uses it as a residence or for personal or family recreation or pleasure. (See § 404.1058 for an explanation of domestic work and § 404.1059(a) for an explanation of nonbusiness work.)

(7) The term "farm operator" means an owner, tenant, or other person, in possession of and operating a farm.

(8) Work is not "agricultural labor" if it is done in the employ of a cooperative organization, which includes corporations, joint-stock companies, and associations treated as corporations under the Code. Any unincorporated group of operators is considered to be a cooperative organization if more than 20 operators are in the group at any time during the calendar year in which the work is done.

(9) Processing work which changes the commodity from its raw or natural state is not agricultural labor. An example of this is the extraction of juices from fruits or vegetables. However, work in the cutting and drying of fruits or vegetables does not change the commodity from its raw or natural state and can be agricultural labor.

(10) The term "commodity" means a single agricultural or horticultural product. For example, all apples are a commodity, while apples and oranges are two commodities.

(11) Work connected with the commerical canning or freezing of a commodity is not agricultural labor nor is work done after the delivery of the commodity to a terminal market for distribution for consumption.

(b) *What is a farm.* For purposes of social security coverage, "farm" includes a stock, dairy, poultry, fruit, fur-bearing animal, or truck farm, plantation, ranch, nursery, range or orchard. A farm also includes a greenhouse or other similar structure used mostly for raising agricultural or horticultural products. A greenhouse or other similar structure used mostly for other purposes such as display, storage, making wreaths and bouquets is not a farm.

§ 404.1058 Domestic service in the employer's home.

(a) *Payments for domestic service.*— (1) *The $50 standard.* We do not inlcude as wages cash payments that an employer makes to you in any calendar quarter for domestic service in the employer's private home, unless the cash pay in that calendar quarter is $50 or more. Non-cash payments for domestic service are not counted as wages.

(2) *How evaluation is made.* We apply the $50 standard for a calendar quarter based on when the payments are made to you rather than when the pay is earned. To count toward the $50 amount, payment must be made to you in cash (including checks or other forms of money). We apply the $50 standard only to services performed as a domestic. if an employer pays you for performing other work, the cash pay for the nondomestic work does not count toward the $50 domestic service pay required for the remuneration to count as wages.

(3) *More than one domestic employer.* The $50 standard applies to each employer when you perform domestic services for more than one employer in a calendar quarter. The wages paid by more than one employer for domestic services may not be combined to decide whether you have been paid $50 or more in a calendar quarter. The standard applies to each employee when an employer has two or more domestic employees during a calendar quarter.

(4) *Rounding dollar amounts for reporting.* For social security purposes, an employer has an option in the way he or she reports cash wages paid for domestic service in his or her private home. The employer may report the actual wages paid or may round the wages to the nearest dollar. For purposes of rounding to the nearest dollar the cents are disregarded unless it amounts to one-half dollar or more, in which case it will be raised to $1. If an employer uses this method to report a cash payment to you for domestic service in his or her private home in a calendar quarter, he or she must use the same method to report payments to other employees in that quarter for similar services.

(b) *What is domestic service.* Domestic service is work of a household nature done by you in or about a private home of the employer. A private home is a fixed place of residence of a person or family. A separate dwelling unit maintained by a person in an apartment house, hotel, or other similar establishment may be a private home. If a house is used primarily for supplying board or lodging to the public as a business enterprise, it is not a private home. In general, services of a household nature in or about a private home include services performed by cooks, waiters, butlers, housekeepers, governessess, maids, valets, baby sitters, janitors, laundresses, furnacemen, caretakers, handymen, gardeners, footmen, grooms, and chauffeurs of automobiles for family use. Pay for these services does not come under this provision unless the services are performed in or about a private home of the employer. Pay for services not of a household nature, such as services performed as a private secretary, tutor, or librarian, even though performed in the employer's home, does not come under this provision.

§ 404.1059 Special situations.

(a) *Payments for service not in course of employer's trade or business (nonbusiness work) and payments to certain home workers.*—(1) *The $100 standard.* We do not include as wages

cash pay of less than $100 paid to you in a calendar year by an employer for services not in the course of the employer's trade or business (nonbusiness work) and for services as a home worker.

(2) *How evaluation is made.* (i) We apply the $100 standard for a calendar year based on when the payments are made to you rather than when the pay is earned. To count toward the $100 amount, payment must be in cash (including checks or other forms of money). The $100 standard applies to each employer when you perform services not in the course of the employer's trade or business or as a homeworker for two or more employers.

(ii) If the employer has two or more employees, the standard applies to each employee. In applying the $100 standard, we disregard cash payments for any other type of services you perform for the employer.

(iii) The noncash payments an employer pays you for services not in the course of the employer's trade or business or as a homeworker are not counted as wages, even if the employer has paid you cash wages of $100 or more in the calendar year for services of that type.

(3) *Definitions.* The term "services not in the course of the employer's trade or business" (also called nonbusiness work) means services that do not promote or advance the trade or business of the employer. Services performed for a corporation do not come within this definition. A homeworker is described in § 404.1008(c).

(b) *Nonprofit, income-tax exempt organizations.*—(1) *The $100 standard.* We do not include as wages payments of less than $100 in a calendar year made by an employer that is an organization exempt from income tax under section 501 of the Code.

(2) *How evaluation is made.* We apply the $100 standard for a calendar year based on when the payments are made to you rather than when the pay is earned. To figure the $100 amount, both cash and noncash payments are counted. The $100 standard applies to each employer where you render services for two or more nonprofit, income-tax exempt organizations during a calendar year. The $100 standard also applies to each of you where a nonprofit, income-tax exempt organization has two or more employees. In applying the standard, the tax-exempt status of the employer and not the nature or place of your services is controlling.

(c) *Payments to members of the uniformed services.*—(1) *The standard.* We include as the wages of a member of the uniformed services the individual's basic pay as explained in paragraph (c)(3) of this section plus the wages deemed paid to the individual under paragraph (c)(2) of this section. Only the basic pay is taxable for social security purposes.

(2) *Wages deemed paid.* (i) After 1977, a member of the uniformed services is considered to have been paid additional wages of $100 for each $300 of basic pay paid to the individual in a calendar year. The amount of additional wages deemed paid cannot be more than $1,200 for any calendar year. No wages may be deemed paid for units of basic pay which are less than $300.

(ii) Before 1978, a member of the uniformed services is considered to have been paid additional wages of $300 for each calendar quarter after 1956 in which the individual is paid any amount of basic pay.

(3) *Basic pay.* "Basic pay" means the monthly pay prescribed by 37 U.S.C. 203 (Pay and Allowances for the Uniformed Services) for a member of the uniformed services on active duty or on active duty for training.

(d) *Payments to "volunteers and volunteer leaders" in the Peace Corps.* If you are a "volunteer" or "volunteer leader" under the provisions of the Peace Corps Act (*22 U.S.C. 2501ff*), payments for your services are wages with the exception of amounts in excess of the amounts certified as payable under section 5(*c*) or 6(*1*) of the Peace Corps Act. Amounts certified under those sections are considered to have been paid to the individual at the time the service is performed. See § 404.1018(*e*) on coverage of these services.

(e) *Moving expenses.* We do not include as wages amounts paid to, or on behalf of, an employee for moving expenses if it is reasonable to believe that a similar deduction is allowable under section 217 of the Code.

(f) *Payments by employer to survivor or estate of former employee.* We do not include as wages any payment by an employer to a survivor or the estate of a former employee after the calendar year in which the employee died.

(g) *Payments to employees for non-work periods.* (1) We do not include as wages any payment (other than vacation or sick pay) made by an employer to an employee for a period throughout which the employment relationship exists between the employer and the employee, but in which the employee does not work for the employer (including employees subject to call for the performance of work), nor any payment made to a corporate officer solely for holding office during a period in which no work was performed if the payment is made—

(i) After the calendar month in which the employee attains age 62; or

(ii) To an employee who is, at the time of payment, entitled to disability insurance benefits under the Act, and entitlement began before the calendar year in which the payment is made.

(2) Vacation or sick pay is not excluded from wages under this paragraph. If an employee does any work for the employer in the period for which the payment is made, no payments by the employer to the employee for that period are excluded from wages as vacation or "sick pay." The term " sick pay" as used in this paragraph, includes "sick leave" payments made by a State, a political subdivision, or an interstate instrumentality, to an employee for a period during which he or she was absent from work because of illness.

Example. Mrs. A, an employee of X, attained age 62 on September 15, 1976, and stopped working regularly for X on September 30, 1976. Their employment relationship continued for several years until Mrs. A's death, and X paid Mrs. A $50 per month as consideration for Mrs. A's agreement to work when asked by X. The payment for each month was made on the first day of the following month. After September 30, 1976, she worked one day in October 1976. The payment made by X to Mrs. A on November 1 (for October 1976) is not excluded from wages under this exception, but the payments made after November 1976 are excluded from wages. The payment on November 1 was not excluded because Mrs. A worked for X on 1 day in October 1976. (Since Mrs. A had attained age 62 in September 1976, the November 1 payment would have been excluded if Mrs. A had not worked for X in October 1976.)

(h) *Tips.* (1) We include as wages tips received by an employee if—

(i) The tips are paid in cash; and

(ii) The tips amount to $20 or more and are received in the course of employment by an employee in a calendar month.

(2) Cash tips include checks and other forms of money. Tips received in a form other than cash, such as passes, tickets, or other goods are not wages. If an employee works for more than one employer in a calendar month, we apply the $20 tip test to work done for each employer.

(i) *Payments by employer under group legal services plan.* We do not include as wages any contribution, payment, or service, provided by an employer under a qualified group legal services plan which is excludable from the gross income of an employee, or the

employee's spouse or dependents, under section 120 of the Code.

§ 404.1060 Deemed wages for certain individuals interned during World War II.

(a) *In general.* United States citizens of Japanese ancestry who were interned during any period of time from December 7, 1941, through December 31, 1946, by the United States Government at a place operated by the government within the United States are deemed to have been paid wages (in addition to the wages actually paid) as provided in paragraph (c) of this section during any period after attaining age 18 while interned. This provision is effective for determining entitlement to, and the amount of, any monthly benefit for months after December 1972, for determining entitlement to, and the amount of, any lump-sum death payment in the case of a death after December 1972, and for establishing a period of disability.

(b) *Information needed to process deemed wages.* Unless we have already made a determination on deemed wages for a period of internment of an individual, any person applying for a monthly benefit, a recalculation of benefits by reason of this section, or a lump-sum death payment, must submit certain information before the benefit or payment may be computed on the basis of deemed wages. This information is—

(1) The place where the individual worked before internment;

(2) The highest hourly wage before internment;

(3) The place and date of internment;

(4) Date of birth (if not previously furnished);

(5) Whether or not another Federal benefit is being received based wholly or in part upon the period of internment; and

(6) In the case of a woman, her maiden name.

(c) *Amount of deemed wages.* The amount of wages which may be deemed is determined as follows:

(1) *Employed prior to internment.* If the individual was employed before being interned, the deemed wages are the greater of—

(i) The highest actual hourly rate of pay received for any employment before internment, multiplied by 40 for each full week during the period of internment; or

(ii) The Federal minimum hourly rate in effect for the period of internment, multiplied by 40 for each full week during that period.

(2) *Self-employed or not employed prior to internment.* If the individual was self-employed or was not employed before the period of internment, the deemed wages are the Federal minimum hourly rate in effect for that period, multiplied by 40 for each full week during the period.

(d) *When wages are not deemed.* Wages are not deemed under this section—

(1) For any period before the quarter in which the individual attained age 18; or

(2) If a larger benefit is payable without the deemed wages; or

(3) If a benefit based in whole or in part upon internment is determined by any agency of the United States to be payable under any other law of the United States or under a system set up by that agency. However, this exception does not apply in cases where the failure to receive deemed wages reduces the primary insurance amount by 50 cents or less.

(e) *Certification of internment.* The certification concerning the internment is made by the Secretary of Defense or his representative. After the internment has been verified, wages are deemed to have been paid to the internee.

Self-Employment

§ 404.1065 Self-employment coverage.

For an individual to have self-employment coverage under social security, the individual must be engaged in a trade or business and have net earnings from self-employment that can be counted as self-employment income for social security purposes. The rules explaining whether you are engaged in a trade or business are in §§ 404.1066–404.1077. What are net earnings from self-employment is discussed in §§ 404.1080–404.1095. Section 404.1096 describes the net earnings from self-employment that are counted as self-employment income for social security purposes.

§ 404.1066 Trade or business in general.

For you to be covered as a self-employed person for social security purposes, you must be engaged in a trade or business. You can carry on a trade or business as an individual or as a member of a partnership. With some exceptions, the term "trade or business" has the same meaning as it does when used in section 162 of the Code.

§ 404.1068 Employees who are considered self-employed.

(a) *General.* Although we generally exclude services performed by employees from the definition of trade or business, certain types of services are considered a trade or business even though performed by employees. If you perform any of the services described in paragraphs (b) through (e) of this section, you are self-employed for social security purposes. Certain other services described in § 404.1071 (relating to ministers and members of religious orders) and § 404.1073 (relating to certain public officers) may be considered a trade or business even though performed by employees.

(b) *Newspaper vendors.* If you have attained age 18 and perform services as a newspaper vendor that are described in § 404.1030(b), you are engaged in a trade or business.

(c) *Sharefarmers.* If you perform services as a sharefarmer that are described in § 404.1017, you are engaged in a trade or business.

(d) *Employees of a foreign government, an instrumentality wholly owned by a foreign government, or an international organization.* If you are a United States citizen and perform the services that are described in § 404.1032, § 404.1033(a), or § 404.1034(a), you are engaged in a trade or business if the services are performed in the United States.

(e) *Certain fishermen.* If you perform services as a fisherman that are described in § 404.1031, you are engaged in a trade or business.

§ 404.1070 Christian Science practitioners.

If you are a Christian Science practitioner, the services you perform in the exercise of your profession are a trade or business unless you were granted an exemption from coverage under section 1402(e) of the Code. An exemption cannot be granted if you filed a valid waiver certificate under the provisions that apply to taxable years ending before 1968.

§ 404.1071 Ministers and members of religious orders.

(a) If you are a duly ordained, commissioned, or licensed minister of a church, or a member of a religious order who has not taken a vow of poverty, the services you perform in the exercise of your ministry or in the exercise of duties required by the order (§ 404.1023(c) and (e)) are a trade or business unless you filed for and were granted an exemption from coverage under section 1402(e) of the Code. An exemption cannot be granted if you filed a valid waiver certificate under the provisions that apply to taxable years ending before 1968.

(b) If you are a member of a religious order and have taken a vow of poverty, the services you perform in the exercise of your duties required by the order may be covered as employment. (See § 404.1023 (a) and (e)).

§ 404.1073 Public office.

(a) *General.* The performance of the functions of a public office is not a trade or business except under the circumstances explained in paragraph (b) of this section. If you are an officer of a State or political subdivision, you are considered as employee of the State or political subdivision.

(b) *State and local governmental employees paid by fees.* (1) The services of employees of States and political subdivisions, including those in positions paid solely on a fee-basis, may be covered as employment only by a Federal-State agreement under section 218 of the Act (see Subpart M of this part). States, when entering into these agreements, have the option of excluding under the agreement coverage of services in positions paid solely by fees. If you occupy a position paid solely on a fee-basis and the State elects to exclude your services, you are considered to be engaged in a trade or business.

(2) If you are a notary public, you are not a public officer even though you perform a public function. Your services as a notary public are not covered for social security purposes.

§ 404.1074 Farm crew leader who is self-employed.

If you are a farm crew leader and are deemed the employer of the workers as described in § 404.1010, we consider you to be engaged in a trade or business. This includes services performed in furnishing workers to perform agricultural labor for others, as well as services performed as a member of the crew.

§ 404.1075 Members of certain religious groups opposed to insurance.

(a) You may file an application with the Internal Revenue Service for exemption from social security self-employment tax if—

(1) You are a member of a recognized religious sect or division of the sect; and

(2) You adhere to the tenets or teachings of the sect or division of the sect and for this reason are conscientiously opposed to receiving benefits from any private or public insurance that—

(i) Makes payments in the event of death, disability, old age, or retirement; or

(ii) Makes payments toward the cost of, or provides services for, medical care (including the benefits of any insurance system established by the Act).

(b) Your application must be filed under the rules described in 26 CFR 1.1402(h).

(c) Regardless of whether you meet all these conditions, your application for exemption will not be approved unless we find that—

(1) The sect or division of the sect has established tenets or teachings which cause you to be conscientiously opposed to the types of insurance benefits described in paragraph (a)(2) of this section;

(2) For a substantial period of time it has been the practice for members of the sect or division of the sect to make provision for their dependent members which is reasonable in view of their general level of living; and

(3) The sect or division of the sect has been in existence continuously since December 31, 1950.

(d) In addition, your application for exemption will not be approved if any benefit or other payment referred to in § 404.305(a) became payable to you or on your behalf at or before the time of the filing of your application for exemption.

§ 404.1077 Individuals under railroad retirement system.

If you are an employee or employee representative as defined in section 3231(b) and (c) of the Code, your work is not a trade or business. Your services are covered under the railroad retirement system.

Self-Employment Income

§ 404.1080 Net earnings from self-employment.

(a) *Definition of net earnings from self-employment.* If you are self-employed, you must first determine the amount of your net earnings from self-employment before figuring the amount of your earnings that count for social security purposes. Some of your earnings may not be included as net earnings from self-employment even though they are taxable for income tax purposes. If you are an employee but we consider you to be self-employed for social security purposes, you must figure your earnings as though you were actually self-employed. Subject to the special rules in §§ 404.1081–404.1095, the term "net earnings from self-employment" means—

(1) Your gross income, as figured under subtitle A of the Code, from any trade or business you carried on, less deductions attributed to your trade or business that are allowed by that subtitle; plus

(2) Your distributive share of income (or loss) from a trade or business carried on by a partnership of which you are a member, as described in paragraph (b) of this section.

(b) *Income or loss from a partnership.* (1) Your distributive share (whether or not actually distributed) of the income or loss from any trade or business carried on by a partnership of which you are a member, other than as a limited partner, is determined under section 704 of the Code.

(2) If you are a limited partner, your distributive share is included in your net earnings from self-employment if—

(i) The amount is payable to you for services you render to or on behalf of the partnerships; and

(ii) It is a guaranteed payment described in section 707(c) of the Code.

(3) You are a "limited partner" if your financial liability for the obligations of the partnership is limited to the amount of your financial investment in the partnership. Generally, you will not have to perform services in the operation of, or participate in the control of, the business carried on by the partnership for the taxable year involved.

(c) *Reporting methods.* Your gross income from a trade or business includes the gross income you received (under the cash method) or that accrued to you (under the accrual method) from the trade or business in the taxable year. It is immaterial that the income may be attributable in whole or in part to services you rendered or other acts you performed in a prior taxable year.

(d) *What is a taxable year.* (1) The term "taxable year" means—

(i) Your annual accounting period on which you regularly figure your income in keeping your books; or

(ii) A short period resulting from your death before the end of your annual accounting period or from a change of your annual accounting period.

(2) The term "annual accounting period" means—

(i) A calendar year, consisting of 12 months ending on December 31; or

(ii) A fiscal year, consisting of—

(A) 12 months ending on the last day of any month other than December; or

(B) A period, if elected under section 441 of the Code, that varies from 52 to 53 weeks and always ends on the same day of the week that occurs last in a calendar month or nearest to the last day of the calendar month.

(3) Your taxable year for figuring self-employment income is the same as your taxable year for the purposes of subtitle A of the Code. Your taxable year is a calendar year if—

(i) You keep no books;

(ii) You have no annual accounting period; or

(iii) You have an annual accounting period that differs from the definition of

fiscal year as described in paragraph (d)(2)(ii) of this section.

§ 404.1081 General rules for figuring net earnings from self-employment.

(a) *Determining net earnings.* (1) In determining your gross income and the deductions attributable to your trade or business for the purpose of determining your net earnings from self-employment, the provisions that apply to the taxes imposed by sections 1 and 3 of the Code are used.

(2) If you use the accrual method of accounting to figure your taxable income from a trade or business, you must use the same method in determining your net earnings from self-employment.

(3) If you are engaged in a trade or business of selling property on the installment plan and elect, under the provisions of section 453 of the Code, to use the installment method of accounting in figuring your income, you must use the installment method in determining your net earnings from self-employment.

(4) Any income which can be excluded from gross income under any provision of subtitle A of the Code cannot be counted in determining your net earnings from self-employment, unless—

(i) You are a resident of Puerto Rico (see § 404.1089);

(ii) You are a minister or member of a religious order (see § 404.1091);

(iii) You are a United States citizen temporarily living outside the United States (see § 404.1092); or

(iv) You are a citizen of, or have income from sources within, certain possessions of the United States (see § 404.1093).

(b) *Trade or business carried on.* You must carry on the trade or business either personally or through agents or employees. Income from a trade or business carried on by an estate or trust is not included in determining the net earnings from self-employment of the individual beneficiaries of the estate or trust.

(c) *Aggregate net earnings.* If you are engaged in more than one trade or business, your net earnings from self-employment consist of the total of the net income and losses of all the trades or businesses you carry on. A loss in one trade or business you carry on offsets the income from another trade or business.

(d) *Partnerships.* When you have net earnings from self-employment from a partnership as described in § 404.1080 (a) and (b), those net earnings are combined with your other net earnings from self-employment in determining your total net earnings from self-employment for the taxable year.

(e) *Different taxable years.* If you are a partner and your taxable year is different from that of the partnership, you must include, in figuring your net earnings from self-employment, your distributive share of the income or loss of the partnership for its taxable year ending with or within your taxable year. For the special rule in case of the termination of a partner's taxable year as a result of death, see § 404.1087.

(f) *Meaning of partnerships.* A partnership for social security purposes is one that is recognized as a partnership for income tax purposes. For income tax purposes, the term "partnership" includes not only a partnership as known under common law, but also a syndicate, group, pool, joint venture, or other unincorporated organization that carries on any trade or business, financial operation, or venture, and which is not a trust, estate, or a corporation.

(g) *Proprietorship taxed as domestic corporation.* If you are a proprietor of an unincorporated business enterprise and have elected to be taxed as a domestic corporation, you must figure your net earnings from self-employment without regard to the election you have made.

§ 404.1082 Rentals from real estate; material participation.

(a) *In general.* Your rentals from real estate and from personal property leased with the real estate (including rentals paid in crop shares) and the deductions attributable to the rentals are excluded in figuring your net earnings from self-employment, unless you receive the rentals in the course of a trade or business as a real estate dealer. If you are an owner or lessee of land, rentals paid in crop shares include income you get under an agreement with another person if the arrangement provides for the following:

(1) The other person will produce agricultural or horticultural commodities on the land.

(2) The commodities produced, or the income from their sale, will be divided between you and the other person.

(3) The amount of your share depends on the amount of the commodities produced.

(b) *Real estate dealers.* (1) You are a real estate dealer if you are engaged in the business of selling real estate to customers for profit.

(2) If you merely hold real estate for investment or speculation and receive rental income from it, you are not considered a real estate dealer.

(3) If you are a real estate dealer, but also hold real estate for investment or speculation in addition to real estate you hold for sale to customers, only the rental income from the real estate held for sale to customers and the deductions attributable to it are included in determining your net earnings from self-employment. The rental income from real estate you hold for investment or speculation and the deductions attributable to it are not counted in figuring your net earnings from self-employment.

(c) *Special rule for farm rental income.*—(1) *In general.* If you own or lease land, any income you derive from it is included in figuring your net earnings from self-employment if—

(i) The income results from an arrangement between you and another person which provides for the other person to produce agricultural or horticultural commodities on the land that you own or lease and for you to materially participate in the production or the management of the production of the agricultural or horticultural commodities; and

(ii) You actually do materially participate.

(2) *Nature of arrangement.* (i) The arrangement between you and the other person may be either oral or written. It must provide that the other person will produce one or more agricultural or horticultural commodities and that you will materially participate in the production or the management of the production of the commodities.

(ii) The term "production," refers to the physical work performed and the expenses incurred in producing a commodity. It includes activities like the actual work of planting, cultivating, and harvesting crops, and the furnishing of machinery, implements, seed, and livestock.

(iii) The term "management of the production," refers to services performed in making managerial decisions about the production of the crop, such as when to plant, cultivate, dust, spray, or harvest, and includes advising and consulting, making inspections, and making decisions on matters, such as rotation of crops, the type of crops to be grown, the type of livestock to be raised, and the type of machinery and implements to be furnished.

(3) *Material participation.* (i) If you show that you periodically advise or consult with the other person, who under the rental arrangement produces the agricultural or horticultural commodities, and also show that you periodically inspect the production activities on the land, you will have presented strong evidence that you are materially participating.

(ii) If you also show that you furnish a large portion of the machinery, tools, and livestock used in the production of the commodities, or that you furnish or advance monies, or assume financial responsibility, for a substantial part of the expense involved in the production of the commodities, you will have established that you are materially participating.

(4) *Employees or agents.* We consider any farm rental arrangement entered into by your employee or agent and another person to be an arrangement entered into by you. However, we do not consider the services of an employee or agent as your services in determining the extent to which you have participated in the production or management of production of a commodity.

(5) *Examples.*

Example 1. After the death of her husband, Ms. A rents her farm, together with its machinery and equipment, to B for one-half of the proceeds from the commodities produced on the farm by B. It is agreed that B will live in the tenant house on the farm and be responsible for the overall operation of the farm, such as planting, cultivating, and harvesting the field crops, caring for the orchard and harvesting the fruit and caring for the livestock and poultry. It also is agreed that Ms. A will continue to live in the farm residence and help B operate the farm. Under the agreement it is expected that Ms. A will regularly operate and clean the cream separator and feed the poultry flock and collect the eggs. When possible she will assist B in such work as spraying the fruit trees, penning livestock, culling the poultry, and controlling weeds. She will also assist in preparing the meals when B engages seasonal workers. The agreement between Ms. A and B clearly provides that she will materially participate in the overall production operations to be conducted on her farm by B. In actual practice, Ms. A regularly performs those services. The regularly performed services are material to the production of an agricultural commodity, and the services performed are material to the production operations to which they relate. The furnishing of a substantial portion of the farm machinery and equipment also supports the conclusion that Ms. A has materially participated. Accordingly, the rental income Ms. A receives from her farm should be included in her net earnings from self-employment.

Example 2. G owns a fully-equipped farm which he rents to H under an arrangement which provides that G will materially participate in the management of the production of crops raised on the farm under the arrangement. G lives in town about 5 miles from the farm. About twice a month he visits the farm and looks over the buildings and equipment. G may occasionally, in an emergency, discuss with H some phase of a crop production activity. In effect, H has complete charge of the management of farming operations regardless of the understanding between him and G. Although G pays one-half of the cost of the seed and fertilizer and is charged for the cost of materials purchased by H to make all necessary repairs, G's activities are not material in the crop production activities. Accordingly, G's income from the crops is not included in net earnings from self-employment.

(d) *Rental income from living quarters.*—(1) *No services provided for occupants.* Payments you receive for renting living quarters in a private residence, duplex, or multiple-housing unit are generally rental income from real estate. Except in the case of real estate dealers, these payments are excluded in determining net earnings from self-employment, even if the payments are in part attributable to personal property furnished under the lease.

(2) *Services provided for occupants.* (i) Payments you receive for renting living quarters where services are also provided to the occupant, as in hotels, boarding houses, or apartment houses furnishing hotel services, or in tourist camps or tourist homes, are included in determining your net earinings from self-employment. Any payments you receive for the use of space in parking lots, warehouses, or storage garages are also included in determining your net earnings from self-employment.

(ii) Generally, we consider services to be provided to the occupant if they are primarily for the occupant's convenience and are other than those usually provided in connection with the rental of rooms or other space for occupancy only. We consider the supplying of maid service to be a service provided to the occupant. However, we do not consider the furnishing of heat and light, the cleaning of public entrances, exits, stairways, and lobbies and the collection of trash, as services provided to the occupant.

Example. A owns a building containing four apartments. During the taxable year, A received $1,400 from apartments numbered 1 and 2, which are rented without services provided to the occupants, and $3,600 from apartments numbered 3 and 4, which are rented with services provided. A's fixed expenses for the four apartments are $1,200 during the taxable year. In addition, A has $500 of expenses attributable to the services provided to the occupants of apartments 3 and 4. In determining his net earnings from self-employment, A includes the $3,600 received from apartments 3 and 4, and the expenses of $1,100 ($500 plus one-half of $1,200) attributable to them. The rentals and expenses attributable to apartments 1 and 2 are excluded. Therefore, A has $2,500 of net earnings from self-employment from the building for the taxable year.

(e) *Treatment of business income which includes rentals from real estate.* If an individual or a partnership is engaged in a trade or business other than real estate, and part of the income is rentals from real estate, only that part of the income which is not rentals and the expenses attributable to that portion are included in determining net earnings from self-employment.

§ 404.1083 Dividends and interest.

(a) The dividends you receive on shares of stock are excluded in determining your net earnings from self-employment, unless you are a dealer in stocks and securities and receive the dividends in the course of your trade or business.

(b) The interest you receive on a bond, debenture, note, certificate, or other evidence of indebtedness issued with interest coupons or in registered form by any corporation (including one issued by a government or political subdivision) is excluded in determining your net earnings from self-employment, unless you are a dealer in stocks and securities and receive the interest in the course of your trade or business.

(c) If you hold stocks or securities for investment or speculation purposes, any dividends and interest you receive that are excludable under paragraphs (a) and (b) of this section are excluded in determining your net earnings from self-employment, whether or not you are a dealer in stocks and securities.

(b) A dealer in stocks or securities is a merchant with an established place of business who is regularly engaged in the business of purchasing stocks or securities and reselling them to customers. The dealer, as a merchant, buys stocks or securities and sells them to customers with a view to making a profit. Persons who buy and sell or hold stocks or securities for investment or speculation, regardless of whether the buying or selling constitutes a trade or business, are not dealers in stocks or securities.

§ 404.1084 Gain or loss from disposition of property; capital assets; timber, coal, and iron ore; involuntary conversion.

(a) If you are engaged in a trade or business, you must, in determining your net earnings from self-employment, exclude any gain or loss—

(1) That is considered a gain or loss from the sale or exchange of a capital asset;

(2) From the cutting of timber or from the disposal of timber or coal, even if held primarily for sale to customers, if section 631 of the Code applies to the gain or loss;

(3) From the disposal of iron ore mined in the United States, even if held primarily for sale to customers, if

section 631 of the Code applies to the gain or loss; and

(4) From the sale, exchange, involuntary conversion, or other disposition of property that is not—

(i) Stock in trade or other property of a kind which would properly be included in inventory if on hand at the close of the taxable year; or

(ii) Property held primarily for sale to customers in the ordinary course of a trade or business;

(b) For purposes of paragraph (a)(4) of this section, it is immaterial whether a gain or loss is treated as a capital gain or as an ordinary gain or loss for purposes other than determining earnings from self-employment.

(c) For purposes of paragraph (a)(4) of this section—

(1) The term "involuntary conversion" means a compulsory or unintended change of property into other property or money as a result of such things as destruction, theft or seizure; and

(2) The term "other disposition" includes destruction or loss by fire, theft, storm, shipwreck, or other casualty, even though there is no change of the property into other property or money.

Example. During the taxable year 1976, A, who owns a grocery store, had a net profit of $1,500 from the sale of groceries and a gain of $350 from the sale of a refrigerator case. During the same year, he had a loss of $2,000 as a result of damage by fire to the store building. In figuring taxable income for income tax purposes, all of these items are considered. In determining net earnings from self-employment, however, only the $1,500 of profit derived from the sale of groceries is included. The $350 gain and the $2,000 loss are excluded.

§ 404.1085 Net operating loss deduction.

When determining your net earnings from self-employment, you disregard the deduction provided by section 172 of the Code that relates to net operating losses sustained in years other than the taxable year.

§ 404.1086 Community income.

(a) *In case of an individual.* (1) If community property laws apply to income that an individual derives from a trade or business (other than a trade or business carried on by a partnership), all of the gross income and the deductions attributable to the income are generally treated as the gross income and deductions of the husband. However, if the wife exercises substantially all of the management and control of that trade or business, all of the gross income and deductions are treated as the gross income and deductions of the wife.

(2) The term "mananagement and control" means management and control in fact, not the management and control given to the husband under the community property laws. For example, a wife who operates a beauty parlor without any significant help from her husband will be considered as having substantially all of the management and control of the business, despite the provision of any community property law giving the husband the right of management and control of community property. The income and deductions from the operations of the beauty parlor are considered the income and deductions of the wife.

(b) *In case of a partnership.* Even though only a portion of a partner's distributive share of the income or loss from a trade or business carried on by a partnership is community income or loss under the community property laws applicable to the share, all of the distributive share is included in figuring the net earnings from self-employment of that partner. No part of the share is taken into account in figuring the net earnings from self-employment of the spouse of the partner. In any case in which both spouses are members of the same partnership, the distributive share of the income or loss of each spouse is included in figuring the net earnings from self-employment of that spouse.

§ 404.1087 Figuring partner's net earnings from self-employment for taxable year which ends as a result of death.

(a) *General.* In the case of a deceased partner whose taxable year ends because of death, the deceased partner's net earnings from self-employment includes the amount of his or her distributive share of partnership ordinary income or loss for the partnership's taxable year that is attributable to an interest in the partnership through the month of death.

(b) *Computation.* (1) The deceased partner's distributive share of partnership ordinary income or loss for the partnership taxable year in which death occurred is determined by applying the rules contained in paragraphs (d) and (f) of § 404.1081.

(2) The portion of the distributive share to be included in the deceased partner's net earnings from self-employment for his or her last taxable year is determined by treating the ordinary income or loss constituting the distributive share as having been realized or sustained ratably over the partnership taxable year during which the deceased partner had an interest in the partnership and during which the deceased partner's estate, or any other person succeeding by reason of the death to rights to his partnership interest, held an interest in the partnership.

(c) *Deceased partner's distributive share.* A deceased partner's distributive share includes the distributive share of the estate or of any other person succeeding to the interest of a deceased partner. It does not include any share attributable to a partnership interest that was not held by the deceased partner at the time of death. If a deceased partner's estate should acquire an interest in a partnership in addition to the interest to which it succeeded upon the death of the deceased partner, the amount of the distributive share attributable to the additional interest acquired by the estate is not included in computing the deceased partner's distributive share of the partnership's ordinary income or loss for the partnership taxable year.

(d) *Options available to farmers.* In determining the applicability of the optional method of figuring net earnings from self-employment to a member of a farm partnership it is necessary to determine the partner's distributive share of partnership gross income or distributive share of income described in section 702(a)(8) of the Code.

§ 404.1088 Retirement payment to retired partners.

(a) *In general.* If you are a retired partner, in figuring your net earnings from self-employment you must exclude payments made to you on a periodic basis by a partnershp on account of your retirement and which are to continue until your death. This exclusion applies only if the payments are made under a written plan which meets the requirements set out in 26 CFR 1.1402(a)–(17) and the conditions in paragraph (b) of this section are met. The necessary requirements and conditions must be met throughout the entire partnership's taxable year for the payments to be excluded so that either all or none of the payments are excluded.

(b) *Other conditions.* You must have been paid your full share of the partnership's capital before the close of the partnership's taxable year in which retirement payments are made. Also, no member of the partnership can have any financial obligations to you (in his or her capacity as a partner) except to make the retirement payments. Lastly, you cannot perform any services for the partnership in the partnership's taxable year which falls wholly or partially in your taxable year in which you receive the retirement payments.

Example. D, a partner in the DEF partnership, retired from the partnership as of

December 31, 1976. The taxable year of both D and the partnership is the calendar year. During the partnership's taxable year ending December 31, 1977, D rendered no service to any trade or business carried on by the partnership. On or before December 31, 1977, all obligations (other than retirement payments under the plan) from the other partners to D were liquidated, and D's share of the capital of the partnership was paid to him. Retirement payments received by D under the partnership's plan in his taxable year ending December 31, 1977, are excluded in determining net earnings from self-employment (if any) for that taxable year.

§ 404.1089 Figuring net earnings for residents and nonresidents of Puerto Rico.

(a) *Residents.* If you are a resident of Puerto Rico, whether or not you are an alien, a citizen of the United States, or a citizen of Puerto Rico, you must figure your net earnings from self-employment in the same manner as would a citizen of the United States residing in the United States. In figuring your net earnings from self-employment you must include your income from sources in Puerto Rico even though you are a resident of Puerto Rico during the entire taxable year.

(b) *Nonresidents.* A citizen of Puerto Rico, who is also a citizen of the United States and who is not a resident of Puerto Rico must figure net earnings from self-employment in the same manner as other citizens of the United States.

§ 404.1090 Personal exemption deduction.

The deduction provided by section 151 of the Code, relating to personal exemptions, is excluded in determining net earnings from self-employment.

§ 404.1091 Figuring net earnings for ministers and members of religious orders.

(a) *General.* If you are a duly ordained, commissioned, or licensed minister of a church or a member of a religious order who has not taken a vow of poverty, we consider you to be engaged in a trade or business under the conditions described in § 404.1071 with regard to services described in § 404.1023 (c) and (e). In figuring your net earnings from self-employment from performing these services, you must include certain income (described in paragraphs (b) and (c) of this section) that may be excluded from your gross income for income tax purposes.

(b) *Housing and meals.* You must include in figuring your net earnings from self-employment the rental value of a home furnished to you and any rental allowance paid to you as payment for services performed in the exercise of your ministry or in the exercise of duties required by your order even though the rental value or rental allowance may be excluded from gross income by section 107 of the Code. Also, the value of any meals or lodging furnished to you in connection with the performance of these services is included in figuring your net earnings from self-employment even though their value is excluded from gross income by section 119 of the Code.

(c) *Services outside the United States.* If you are a citizen of the United States performing services outside the United States which are in the exercise of your ministry or in the exercise of duties required by your order, your net earnings from self-employment from the performance of these services is figured as described in paragraph (b) of this section. However, it is figured without regard to the exclusions from gross income provided in sections 911 and 931 of the Code, relating to income earned by individuals in certain camps and to income from sources within possessions of the United States.

§ 404.1092 Figuring net earnings for U.S. citizens temporarily living outside the United States.

If you are engaged in a trade or business and you derive earnings from self-employment outside the United States, but have been a resident of the United States during the entire taxable year, your net earnings from self-employment are figured without using the exclusion from gross income provided by section 911 (a)(2) of the Code. Even though all of your income was derived from sources outside the United States, and may for income tax purposes be excluded from gross income, that income is included in figuring your net earnings from self-employment.

§ 404.1093 Possession of the United States.

In using the exclusions from gross income provided under section 931 of the Code (relating to income from sources within possessions of the United States) and section 932 of the Code (relating to citizens of possessions of the United States) for purposes of figuring your net earnings from self-employment, the term "possession of the United States" shall be deemed not to include the Virgin Islands, Guam, or American Samoa.

§ 404.1094 Options available for figuring net earnings from self-employment.

(a) *General.* If you have income from a trade or business in certain situations, you have options for figuring your net earnings from self-employment. The options available to you depend on whether you have income from an agricultural trade or business or a non-agricultural trade or business. For a definition of agricultural trade or business see § 404.1095.

(b) *Agricultural trade or business.* The net earnings from self-employment you derive from an agricultural trade or business may, at your option, be figured as follows:

(1) *Gross income of $2,400 or less.* If your gross income is $2,400 or less you may, at your option, report 66⅔ percent of the gross income as net earnings from self-employment instead of your actual net earnings from your business.

(2) *Gross income of more than $2,400.* If your gross income is more than $2,400 and your actual net earnings from your business are less than $1,600 you may, at your option, report $1,600 as net earnings from self-employment instead of your actual net earnings. If your actual net earnings are $1,600 or more you cannot use the optional method.

(3) *Two or more agricultural trades or businesses.* If you carry on more than one agricultural trade or business as a sole properietor or as a partner, you must combine your gross income and net income from each trade or business to find out whether you may use the optional method of figuring net earnings.

(c) *Non-agricultural trade or business.* (1) The net earnings from self-employment you derive from a non-agricultural trade or business may be reported under an optional method if you are self-employed on a regular basis (as defined in paragraph (c)(4) of this section). You cannot use the optional method of reporting for more than 5 taxable years, and you cannot report less than your actual net earnings from self-employment.

(2) *Computation.* If your actual net earnings from self-employment are less than $1,600 and less than 66⅔ percent of your gross income, you may, at your option, report 66⅔ percent of your gross income (but not more than $1,600) as your net earnings from self-employment.

Example. A operates a grocery store and files income tax returns on a calendar year basis. A meets the "self-employed on a regular basis" requirement because actual net earnings from self-employment were $400 or more in 1976 and in 1977. Gross income and net profit from operating the grocery store in 1978 through 1980 are as follows:

	1978	1979	1980
Gross income	$2,800	$1,200	$1,000
Net profit	300	400	800

For the year 1978, A may report as annual net earnings from self-employment either—

(i) None. (Actual net earnings from self-employment are less than $400); or

(ii) $1,600. (Non-agricultural option, 66⅔ percent of $2,800, but not to exceed the $1,600 maximum.)

For the year 1979, A may report as annual net earnings from self-employment either—

(i) $400. (Actual net earnings from self-employment); or

(ii) $800. (Non-agricultural option, 66⅔ percent of $1,200.)

For the year 1980, A must report $800, the actual net earnings from self-employment. The non-agricultural option is not available because A's actual net earnings are not less than 66⅔ percent of the gross income.

(3) *Figuring net earnings from both non-agricultural and agricultural self-employment.* If you are self-employed on a regular basis, you may use the non-agricultural optional method of reporting when you have both non-agricultural and agricultural trades or businesses. However, in order to use this method, your actual net earnings from non-agricultural self-employment combined with your actual net earnings from agricultural self-employment, or your optional net earnings from agricultural self-employment, must be less than $1,600, and the net non-agricultural earnings must be less than 66⅔ percent of your gross non-agricultural income. If you qualify for using both the non-agricultural and agricultural option, you may report less than your actual total net earnings, but not less than your actual net earnings from non-agricultural self-employment alone. If you elect to use both options in a given taxable year, the combined maximum reportable net earnings from self-employment may not exceed $1,600.

Example. C was regularly self-employed. She derived actual net earnings from self-employment of $400 or more in 1975 and in 1976. Her gross income and net profit from operating both a grocery store and a farm in 1978 are:

Grocery Store	
Gross income	$1,000
Net profit	800
Farm	
Gross income	$2,600
Net profit	400

For the year 1978, C may report $1,200 (actual net earnings from self-employment from both businesses), or $2,400 ($1,600 agricultural option (66⅔ percent of $2,600 farm gross income not to exceed $1,600) and $800 grocery store profit). C cannot use the non-agricultural option for 1978 because her actual grocery store net exceeds 66⅔ percent of her grocery store gross income.

(4) *Self-employed on a regular basis.* For any taxable year beginning after 1972, we consider you to be self-employed on a regular basis, or to be a member of a partnership on a regular basis, if, in at least 2 of the 3 taxable years immediately before that taxable year, you had actual net earnings from self-employment of not less than $400 from agricultural and non-agricultural trades or businesses (including your distributive share of the net income or loss from any partnership of which you are a member).

(d) *Members of partnerships.* If you are a member of a partnership you may use the optional method of reporting. Your gross income is your distributive share of the partnership's gross income (after all guaranteed payments to which section 707(c) of the Code applies have been deducted), plus your own guaranteed payment.

(e) *Computing gross income.* For purposes of this section gross income means—

(1) Under the cash method of computing, the gross receipts from the trade or business reduced by the cost or other basis of property that was purchased and sold, minus any income that is excluded in computing net earnings from self-employment; or

(2) Under the accrual method of computing, the gross income minus any income that is excluded in figuring net earnings from self-employment.

(f) *Exercise of option.* For each taxable year for which you are eligible to use the optional method and elect to use that method, you must figure your net earnings from self-employment in that manner on your tax return for that year. If you wish to change your method of reporting after your tax return is filed, you may change it by filing an amended tax return with the Internal Revenue Service or by filing with us Form 2190, Change in Method of Computing Net Earnings from Self-Employment.

§ 404.1095 Agricultural trade or business.

(a) An agricultural trade or business is one in which, if the trade or business were carried on entirely by employees, the major portion of the services would be agricultural labor (§ 404.1057).

(b)(1) If the services are partly agricultural and partly non-agricultural, the time devoted to the performance of each type of service is the test used to determine whether the major portion of the services is agricultural labor.

(2) If more than half of the time spent in performing all the services is spent in performing services that are agricultural labor, the trade or business is agricultural.

(3) If half or less of the time spent in performing all the services is spent in performing services that are agricultural labor, the trade or business is not agricultural. The time spent in performing the services is figured by adding the time spent in the trade or business during the taxable year by every individual (including the individual carrying on the trade or business and the members of that individual's family).

(c) We do not apply the rules in this section if the non-agricultural services are performed in connection with a trade or business separate and distinct from the agricultural trade or business. A roadside automobile service station on a farm is a trade or business separate and distinct from the agricultural trade or business, and the gross income from the service station, less the deductions attributable to it, is to be considered in determining net earnings from self-employment.

(d) We consider a sharefarmer (see § 404.1068(c)) or a materially participating owner or tenant (see § 404.1082(c)) to be engaged in an agricultural trade or business. We use the rules in this section to determine whether a farm crew leader who is self-employed (see § 404.1074) is engaged in an agricultural trade or business.

§ 404.1096 Self-employment income.

(a) *General.* Self-employment income is the amount of your net earnings from self-employment that is subject to social security tax and counted for social security benefit purposes. The term "self-employment income" means the net earnings from self-employment you derive in a taxable year, except as described in paragraphs (b), (c) and (d) of this section.

(b) *Maximum self-employment income.* (1) The term "self-employment income" does not include that part of your net earnings from self-employment that exceeds (or that part of your net earnings from self-employment which, when added to the wages you received in that taxable year, exceeds)—

(i) For taxable years ending before 1955, $3,600;

(ii) For taxable years ending in 1955 through 1958, $4,200;

(iii) For taxable years ending in 1959 through 1965, $4,800;

(iv) For taxable years ending in 1966 and 1967, $6,600;

(v) For taxable years ending after 1967 and beginning before 1972, $7,800;

(vi) For a taxable year beginning in 1972, $9,000;

(vii) For a taxable year beginning in 1973, $10,800;

(viii) For a taxable year beginning in 1974, $13,200;

(ix) For a taxable year beginning in 1975, $14,100;

(x) For a taxable year beginning in 1976, $15,300;

(xi) For a taxable year beginning in 1977, $16,500;

(xii) For a taxable year beginning in 1978, $17,700;

(xiii) For a taxable year beginning in 1979, $22,900;

(xiv) For a taxable year beginning in 1980, $25,900;

(xv) For a taxable year beginning in 1981, $29,700; and

(xvi) For taxable years beginning after 1981, an amount equal to the contribution and benefit base figured under § 404.1048.

(2) For the purpose of this paragraph the term "wages" includes remuneration paid to an employee for services covered by an agreement entered into under section 218 of the Act, or an agreement entered into under section 3121(l) of the Code, which would be wages under section 209 of Act if the services were considered employment under section 210(a) of the Act.

(c) *Minimum net earnings from self-employment.* (1) Self-employment income does not include your net earnings from self-employment when the amount of those earnings for the taxable year is less than $400. If you have only $300 of net earnings from self-employment for the taxable year you would not have any self-employment income.

(2) If you have net earnings from self-employment of $400 or more for the taxable year you may have less than $400 of creditable self-employment income. This occurs where your net earnings from self-employment is $400 or more for a taxable year and the amount of your net earnings from self-employment plus the amount of the wages paid to you during that taxable year exceed the maximum creditable earnings for a year. For example, if you had net earnings from self-employment of $1,000 for 1978, and were also paid wages of $17,500 during 1978, your creditable self-employment income for 1978 would be $200.

(d) *Nonresident aliens.* A nonresident alien never has self-employment income. We do not consider an individual who is a resident of the Commonwealth of Puerto Rico, the Virgin Islands, Guam or American Samoa to be a nonresident alien.

[FR Doc. 80-9295 Filed 3-26-80; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1316

Inclusion of Moneys and Other Assets in Definition of Term "Property"

AGENCY: Department of Justice, Drug Enforcement Administration.

ACTION: Final order.

SUMMARY: On November 10, 1978, Pub. L. 95-633 became effective and authorized the seizure and forfeiture of moneys and other assets under Section 511 of the Controlled Substances Act (84 Stat. 1276; 21 U.S.C. 881). The purpose of this final order is to amend the definition of "property" as contained in § 1316.71 to reflect the additional authority to seize and forfeit such moneys and assets.

EFFECTIVE DATE: March 27, 1980.

FOR FURTHER INFORMATION CONTACT: William M. Lenck, Chief Counsel, Drug Enforcement Administration, Department of Justice, Washington, D.C. 20537 (202-633-1276).

PART 1316—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

§ 1316.71(c) [Amended]

By virtue of the authority vested in me by 21 U.S.C. 881(d) and 28 CFR 0.100(b), § 1316.71(c) of Title 21, Code of Federal Regulations is amended by adding the words "money or other asset," between the words "equipment" and "vessel" in the existing text.

Dated: March 21, 1980.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 80-9314 Filed 3-26-80; 8:45 am]

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

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

Corrections to Grant-in-Aid Regulations

AGENCY: Public Health Service, HEW

ACTION: Final rule; corrections.

SUMMARY: On February 25, 1980, final rules concerning the subject grant-in-aid regulations of the National Institutes of Health were adopted (45 FR 12240). This notice corrects errors which appeared in that document. Section 52c.6(a) is also technically amended by deleting the statement relating to indirect costs to conform to current legislation.

FOR FURTHER INFORMATION CONTACT: Mr. Lowell D. Peart, NIH Regulations Officer, National Institutes of Health, Bethesda, Maryland 20205 (301) 496-4606

SUPPLEMENTARY INFORMATION: On page 12240: (a) Column 1, Part 52, table of contents, the following should be omitted: "52.30 Allocation of costs.; 52.31 Direct costs in general.; 52.32 Indirect costs.; and 52.33 Particular direct costs." (b) Column 2, § 52.1(b), second line, insert the word "support" between the words "research" and "grants."

On page 12241: (a) Column 1, § 52.4 delete "(a)" and change "(1)," "(2)," and "(3)" to "(a)," "(b)," and "(c)" respectively. (b) Column 1, § 52.4, third line, insert "requested" between the words "nature" and "project" and in the sixth line insert the word "other" between the words "any" and "key." (c) Column 1, § 52.5(a), sixth line, change "he" to "the Secretary." (d) Column 2, § 52.6(a), fifth line, change "his" to "the Secretary's." (d) Column 3, § 52.6(c), fourth line, change "so as to" to read "which" and, in the twelfth line, "he" to "the Secretary."

On page 12242: (a) Column 1, § 52.8, change "43 FR 60108" to "45 FR 6724." (b) § 52.9, fourth line, change "his" to "the Secretary's." (c) Column 3, § 52a.4(b), delete "In accordance with section 1-00-30 of the Department of Health, Education, and Welfare Grants," and capitalize the word "each."

On page 12243: (a) Column 1, § 52a.6(a), fifth line, change "his" to "the Director's." (b) Column 3, § 52a.8, after the colon "42 CFR Part 50 PHS grants appeal process" is moved to the first item and "43 FR 60108" is changed to "45 FR 6724."

On page 12244, column 3, § 52b.8, thirteenth line, change "he" to "the Director."

On page 12245: (a) Column 1, § 52b.8(i), second line, change "his" to "the Director's." (b) Column 1, § 52b.8(j), delete "'American National Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped', American National Standards Institute, Inc. (ANSI) No. A117.1 1961," and insert "'Federal Accessibility Standard' (41 CFR Subpart 101-19.6)." (c) Column 2, § 52b.9(a), fifteenth line, change "he" to "the Director." (d) Column 3, § 52b.11, twenty-third line, change "he" to "the Director."

On page 12246, column 3, § 52c.3(a)(4), second line, delete the word "and" between the words "body" and "which."

On page 12247: (a) Column 1, § 52c.5(a), seventh line, change "his" to "the Secretary's." (b) Column 2, § 52c.6(b), ninth line, delete the words "provided that only direct costs of biomedical research may be charged to a grant under this part." (c) Column 2, § 52c.7, move "42 CFR Part 50 PHS grant appeals process" to be the first item after the colon and change "43 FR 60108" to read "45 FR 6724." (d) Column 3, § 52d.2(f), fourth line, change

"treatment or cancer" to "treatment of cancer."

On page 12249: (a) Column 1, § 52d.8, move "42 CFR Part 50 PHS grant appeals process" to be the first item after the colon. (b) Column 2, § 52e.1(a), seventh line, "treatement" should read "treatment."

On page 12250, column 2, § 52e.8, "45 CFR Part 50 PHS grant appeals process" should read "42 CFR Part 50 PHS grant appeals process" and this is moved to be the first item after the colon.

On page 12252: (a) Column 3, § 59a.36, in item 45 CFR 80, the word "program" is changed to "programs." (b) Column 3, § 59a.37, eighth line, change "he" to "the Secretary."

Dated: March 19, 1980.

Donald S. Fredrickson, M.D.,

Director, NIH.

[FR Doc. 80-9220 Filed 3-26-80; 8:45 am]

BILLING CODE 4110-08-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order No. 5713

[I-13259]

Idaho Public Land Order No. 5680, Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This document will correct two errors in the land description of No. 5680 of August 30, 1979, as published at 44 FR 52686 (September 10, 1979).

EFFECTIVE DATE: March 27, 1980.

FOR FURTHER INFORMATION CONTACT: Evelyn Tauber, 202-343-6486.

By virtue of the authority contained in section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

The description of lands in Public Land Order No. 5680 of August 30, 1979, as published in 44 FR 52686-52688 of the issue of September 10, 1979, is hereby corrected by adding the S½SE¼ Sec. 16, T. 1 N., R. 43 E., which was inadvertently omitted, and by changing the SE¼SE¼ to read the NW¼SE¼ Sec. 5, T. 1 S., R. 43 E.

Guy R. Martin,

Assistant Secretary of the Interior.

March 19, 1980.

[FR Doc. 80-9306 Filed 3-26-80; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order No. 5714

[R 4558]

California; Withdrawal for Reclamation Project

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order will withdraw 17.55 acres in San Bernardino County, California for control of the Colorado River and recreational uses in connection with the Water and Power Resources Service Colorado River Front Work and Levee System.

EFFECTIVE DATE: March 27, 1980.

FOR FURTHER INFORMATION CONTACT: Evelyn Tauber, 202-343-6486.

By virtue of the authority contained in Sec. 204 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2751; 43 U.S.C. 1714), it is ordered as follows:

1. Subject to valid existing rights, the following described public land, which is under the jurisdiction of the Secretary of the Interior, is hereby withdrawn from settlement, sale, location, or entry, under the general land laws, including the mining laws (30 U.S.C., Ch. 2), and reserved for the Colorado River Front Work and Levee System.

San Bernardino Meridian

T. 8 N., R. 23 E.,
Sec. 10, Lot 6

The area described aggregates 17.55 acres in San Bernardino County, California.

2. This withdrawal shall remain in effect for a period of 20 years from the date of this order.

March 19, 1980.

Guy R. Martin,

Assistant Secretary of the Interior.

[FR Doc. 80-9259 Filed 3-26-80; 8:45 am]

BILLING CODE 4310-84-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 173 and 175

[Docket No. HM-152; Amdt. Nos. 173-136, 175-13]

Requirements for Transportation of Radioactive Materials

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: Final rule.

SUMMARY: The purpose of this final rule is to amend the Hazardous Materials Regulations pertaining to the transportation of radioactive materials aboard aircraft by: (1) reducing the maximum and average radiation level in a passenger compartment of a passenger-carrying aircraft by increasing the separation distance required between the passenger compartment and any package(s) bearing a Radioactive Yellow-II or Radioactive Yellow-III label, and by reducing the maximum allowable transport index (T.I.) from 10.0 to 3.0 for any package of radioactive materials carried in any single compartment on a passenger-carrying aircraft; (2) providing for a system of predesignated areas ("spacing out") for stowage of radioactive materials packages aboard passenger-carrying aircraft based on the size and configuration of the particular aircraft involved; (3) increasing the allowable amount of radioactive materials aboard cargo-only aircraft when carried in accordance with specified loading requirements; and (4) establishing specific marking, labeling and T.I. limitations for radioactive materials packages combined in overpacks. The amendments are based primarily on a study conducted by the U.S. Atomic Energy Commission which recommended a reduction in the level of radiation exposure to passengers aboard aircraft.

EFFECTIVE DATE: October 1, 1980; however, shipments may be prepared, offered for transportation, and transported in accordance with these amendments beginning May 1, 1980.

ADDRESS: All written comments received under this rulemaking docket and the report specifically identified herein are available for examination in the Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. The Dockets Branch is located in Room 8426 of the Nassif Building, 400 Seventh Street, S.W., Washington, D.C. Public dockets may be reviewed between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: R. R. Rawl, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590, Telephone 202/426-2311.

SUPPLEMENTARY INFORMATION: On July 21, 1977, a notice of proposed rulemaking (Docket HM-152; Notice 77-6) was published in the **Federal Register** (42 FR 37427) announcing the Materials Transportation Bureau (MTB) intention of further restricting the transportation of radioactive materials aboard civil

aircraft. These proposed changes to the regulations were prompted by a report titled "Recommendations for Revising Regulations Governing the Transportation of Radioactive Material In Passenger Aircraft" which was prepared by the U.S. Atomic Energy Commission (AEC) and transmitted to the Federal Aviation Administration (FAA) of the Department of Transportation (DOT) in July, 1974. The principal recommendation of this report is to reduce by approximately one-half the maximum permissible radiation level at seat height to 2 millirem per hour and the average radiation dose rate to 1 millirem per hour. In its subsequent discussions with the FAA and the successors of the AEC, the U.S. Nuclear Regulatory Commission (NRC) and the Energy Research and Development Administration (ERDA), the MTB determined that the proposed rules were necessary to attain a greater level of safety for passengers and crew members of passenger-carrying aircraft without unduly subjecting ground service personnel and crews of cargo-only aircraft to the threat of increased exposure to radiation.

Comments received in response to the notice of proposed rulemaking were evaluated on the basis of their: (1) applicability to this particular rulemaking; (2) effectiveness in helping to reduce radiation levels and (3) reasonableness of the methods by which this objective is to be realized. Comments were received from 37 different sources representing the views of air carriers and air carrier associations, organizations of airline employees, producers and associations of producers of nuclear materials, consumer interest groups, private individuals and various Federal agencies. The points raised by these commenters were generally reflective of the special interest each party foresaw as being impacted by such a rule change. The comments were very useful in preparing this final rule.

The most significant difference between the final rule and the proposed rulemaking is the absence of § 175.700(a)(5) which would have imposed restrictions for the transportation of radioactive materials based upon their half-life or susceptibility to rapid chemical deterioration. This particular issue drew the greatest amount of response with nearly one-third of the commenters objecting to it. Commenters pointed out that restricting radioactive materials according to half-life would not in and of itself be effective in reducing the level of radiation exposure since the prescribed limits will be effectively maintained through adherence of package transport index and distance separation factors. The MTB agrees with this conclusion and has therefore decided to eliminate the proposed restriction in this rulemaking.

One commenter who represents an international corporation which ships 20,000 radioactive shipments per month complained that "these regulations appear to be directed at our particular class of shipper for one mode of transportation." This commenter contended that "if a 'potential hazard' exists for air transportation, it would also exist for land and water transportation." Although the transportation of radioactive materials by modes other than air is not addressed in this docket, it must be pointed out that the short half-life of radiopharmaceuticals requires rapid delivery such as that provided by aircraft, particularly passenger-carrying aircraft. This rapid delivery requirement has resulted in approximately 800,000 packages of radioactive materials being transported by passenger-carrying aircraft in 1975 ("Final Environmental Statement on the Transportation of Radioactive Material by Air and Other Modes," Dec. 77, NUREG–0170, pp. 1–11,16), as a consequence of this increased shipping activity the annual population dose from direct radiation exposure has risen beyond levels which are not "as low as reasonably achievable (ALARA)." This is not the case with radioactive materials being transported in passenger-carrying motor vehicles, rail cars and vessels, and similar regulatory actions are not warranted for these modes at the present time. The contention that the proposed regulations would be discriminatory to a particular class of shipper by establishing certain requirements relating to the use of overpacks is well taken. Consequently, the proposal has been broadened to permit the consolidation of radioactive materials packages by persons other than the original shipper, with the condition that their determination of the T.I. for the overpack be made by addition of the individual package T.I.'s and not actual measurements.

In response to the commenter who pointed out a discrepancy which would exist between the air and highway modes through separate requirements for the labeling of overpacks, the amendment provides an exception in § 173.393(r) permitting a single label to be applied on nonrigid overpacks as well as the use of the term "mixed" on this label. Under the proposal, "mixed radioactive materials" was the proposed description for use on a label affixed to an overpack containing different radionuclides. In this final rule, the description has been changed to "mixed" because the terms "radioactive" and "contents" already appear as part of the label and because of the limited availability of space on the label. Although the proposed rule did not make reference to any changes in Part 173, the MTB subsequently recognized that the requirements originally contained in proposed § 175.703(b) were more appropriate to shippers than to air carriers. Therefore, § 173.393 has been amended to reflect these requirements. In this way also, handling, marking, and labeling requirements for packages of radioactive materials contained in overpacks are now addressed for all modes of transportation.

One commenter who objected to any requirement for the additional labeling of clear plastic overpacks argues correctly that other hazardous materials in similar transparent overpacks are not subject to this requirement; however, for the benefit of cargo handlers the MTB believes that the presence of a label which specifies the composite T.I. is valuable in helping to reduce exposure time which would otherwise be spent in making a close examination of the individual packages. The hazards associated with radioactive materials dictate that standard procedures which apply to hazardous materials generally are not always adequate in reducing unnecessary risks. Therefore, this requirement has been included in the revised regulation.

A comment urging the MTB to reconsider its decision on maximum radiation levels at seat height did not contain new information to support a change from the rule as proposed. As mentioned earlier, the MTB is adopting a standard which is based on a maximum of 2 millirem per hour and an average 1 millirem per hour at seat height. This is a 50 percent reduction of the previously authorized limit. While it is obvious that the reduction of any radiation exposure is desirable, the imposition of a lower limit has not been shown to be of a significant benefit commensurate with its cost. There is a cutoff point where benefits begin to diminish very rapidly when additional measures in the form of increased shielding, lower transport index limitations, and distance separation factors are applied. As it was pointed out in the "Assessment of the Environmental Impact of the FAA Proposed Rulemaking Affecting the

Conditions of Transport of Radioactive Materials on Aircraft" (BNWL–B–421) the question then is what is a reasonably achievable exposure limit and package T.I. limit? The MTB believes that the present data indicate these amended limits are as low as reasonably achievable.

Many other comments were submitted in response to Notice 77–6, however, their content was not considered useful in meeting the objectives of this rulemaking of reducing radiation levels and population exposure rates associated with the transportation of radioactive materials by air. Expanding this rulemaking to include the substance of these comments was determined to be inappropriate at this time.

The following is a section by section summary of the revised regulations which address particular comments contained in the docket.

PART 175—CARRIAGE BY AIRCRAFT

Section 175.75: Specifies T.I. limits for passenger-carrying and cargo-only aircraft. Several commenters objected to the 200 T.I. limitation for cargo-only aircraft contending that the MTB "has failed to demonstrate that there is a compelling need for lifting the current restriction" and that most aircraft are not physically capable of safely handling such large volumes. It should be pointed out that the 200 T.I. is a quantity limit which applies to the largest of aircraft. Small and intermediate aircraft will naturally be restricted to smaller cargo storage areas. The MTB has purposely increased the T.I. limit so that shippers and carriers might be encouraged to divert radioactive materials from passenger-carrying flights, thereby reducing the annual population dose.

Section 175.85: Changes the reference in paragraph (d) to read "§ 175.701." Several carriers sought an exception for radioactive materials in paragraph (b) which would permit their stowage in an inaccessible location on cargo-only aircraft. This particular item has already been specifically addressed in another rulemaking, Docket No. HM–168; Amdt. 175–11, which appeared in the Federal Register on January 31, 1980 (45 FR 6946).

Section 175.700: Provides regulations specific to radioactive materials on passenger-carrying aircraft. As mentioned earlier, the proposed restriction of radioactive materials by half-life has been dropped from the final rule. In paragraph (a)(3) the wording has been revised to permit loading not only on the floor of the cargo compartment but on the floor of an airfreight container as well. This action is being taken in response to one commenter who pointed out the added safety benefits afforded by containerized cargo. A number of commenters suggested additional requirements which would have specified a free clearance of at least 20 inches from the topmost surfaces of all packages to the nearest surface of the partition separating the cargo compartment from the passenger compartment, and stowage in the rear most practicable position in the aircraft. In the opinion of the MTB, this is simply another means of meeting the objective of reducing radiation exposure levels and it does not appear necessary to impose such particular requirements since package T.I. limits and distance separation factors provide the level of safety desired while still allowing carriers the opportunity to comply in a manner which is most appropriate to their operations.

Another commenter not able to find a specific provision covering the shipment of a "large radioactive source" recommended retention of the wording previously contained in § 175.700(c). Present constraints in the regulations under § 173.391 limit the carriage of radioactive materials by passenger-carrying aircraft to only those materials which are intended for use in, or incident to, research, or medical diagnosis or treatment and thus already have the effect of limiting most packages to quantities considerably below permissible limits. Also, with the introduction of a 3.0 T.I. package limit, large quantity packages would be prohibited to be shipped by passenger-carrying aircraft. This same commenter also noted the absence of paragraph (d) concerning the limitation of radioactive materials to those intended for use in, or incident to, research, or medical diagnosis or treatment. This oversight has been corrected in redesignated paragraph (c).

Section 175.701: Specifies separation distances on passenger-carrying aircraft. A number of commenters supported a complete revision of this section which would tend to concentrate packages of radioactive materials in the rear of the aircraft at shorter separation distances. This would have resulted in an average radiation level in the passenger compartment of 0.5. millirem per hour, but this average would be at the expense of particular passenger seating areas being subjected to a maximum radiation level of 5 millirem per hour. Since this plan does not meet the primary objectives of this rulemaking it was not considered desirable.

With regard to paragraph (b)(1), one commenter suggested that the words "these packages" be substituted for the phrase "each individual package" as found in the second sentence. The MTB agrees that the intent and meaning is more clearly related and the suggestion has been adopted. Also, in response to the oversight pointed out by one commenter the words "or predesignated area" have been added to the table contained in paragraph (b)(2).

A great deal of criticism was received in response to the separation distances prescribed in paragraph (b). Commenters argued that such a system is too complex to be workable in real world conditions especially when one considers variables such as short loading times, other hazardous materials on board, the presence of animals in cargo compartments and general cargo already loaded on the floor of the aircraft. Another commenter argued that a total transport index (TTI) of 3.0 to 10.0 be assigned to each aircraft cargo compartment taking into account the aircraft size. None of these suggestions were sufficiently justified to be incorporated into the final rule. The provisions of § 175.701(b) in this rulemaking are not a substantive change of existing regulations but rather a regulatory refinement which will more evenly distribute the packages of radioactive materials so that lower levels of exposure will be realized. To assign a TTI to each cargo compartment would unnecessarily restrict the amount of radioactive materials that may be carried while not commensurately reducing the maximum allowable exposure levels.

One commenter suggested that "the time is opportune to eliminate requirements to apply separation distances relating to animals" as this requirement is not one of the considerations of the International Atomic Energy Agency (IAEA) Regulations on the Safe Transport of Radioactive Materials. Considering that the effects of radiation exposure are also damaging to animals and they in turn represent an element of property which is subject to protection from hazardous materials transported in commerce, it is the opinion of the MTB that current separation requirements remain unchanged.

The concept of "predesignated areas" also drew the attention of numerous commenters. One carrier protested the intervention of the DOT in the carrier's prerogative for utilizing available space. The carrier claimed this would amount to unnecessary government regulation and delay the implementation of

changes prompted by aircraft modification, seasonal traffic flows or other influence from outside sources. It should be pointed out, however, that this is a voluntary election which the carrier is free to make and is only offered as an alternate means of safely transporting radioactive materials by passenger-carrying aircraft. To the commenter who objected to this proposal as being "not for safety but to increase the amount of radioactive packages which could be carried on passenger-carrying aircraft", the MTB notes that the utilization of predesignated areas must also insure an equivalent level of safety. In a similar manner the MTB rejects the lateral separation factor of 2 rather than 4 which was proposed by the same carrier who objected to the very idea of predesignated areas. There exists a threat of radiation level "peaking" from the additive effect of radiation emitted from each predesignated area when a factor of 2 is applied, possibly resulting in unacceptably high exposure levels.

Section 175.702: Comments received in response to this section were of a cursory nature. Some commenters questioned the 200 T.I. limit for cargo-only aircraft claiming that it is unrealistic since most aircraft can't handle more than 50 T.I. However, in order to provide an incentive which would be effective in helping to reduce the demand by shippers and carriers of radioactive materials for space on passenger-carrying aircraft, the 200 T.I. limit is considered reasonable for aircraft which are able to meet all separation requirements.

One commenter, who is a frequent shipper of radioactive materials, expressed a concern over the ability of specialized carriers of small parcels to comply with the distance separation requirements, as these carriers frequently use smaller aircraft in their operations. The problem is not a new one occasioned by the introduction of this section, and in fact one of the carriers mentioned by this commenter is presently operating under authority of exemption number E-7060 which provides relief from the 50.0 T.I. limitation, while requiring a documented radiation protection program for carrier personnel. Additionally, the kind of operations permitted by the terms of this exemption were proposed for authorization in Docket HM-166B; Notice 79-8 (44 FR 29503) but, due to numerous adverse comments, the proposal was deleted from the amendment. The provisions in this amendment are considered by MTB to be sufficient to meet the needs of shippers without unduly jeopardizing safety.

A comment also addressed the distance separation requirements established in paragraph (b)(2) (i) and (iii). The representative of a foreign flag air carrier sought DOT compatibility with those regulations currently set forth by the International Air Transport Association (IATA). Basically, this would provide a system of steps between 50 and 200 T.I. with corresponding increases in separation distance beginning at 15 feet, 4 inches (4.65 meters) and progressing to 28 feet, 10 inches (8.75 meters). While the MTB is interested in consistency with international standards for the safe and smooth flow of goods, the restriction imposed in this amendment is not seen as a burden to commerce especially when one considers the 200 T.I. ceiling and the relative ease with which most cargo-only aircraft operating in international service would be able to handle such a load, in compliance with the DOT minimum.

Section 175.703: The proposals in this section (now § 173.393(r)) drew the overwhelming majority of adverse comments. Specifically, the commenters objected to the proposals for compression testing, marking and labeling of overpacks. Commenters contended that there were inconsistencies in the use of overpacks for packages of radioactive materials when compared to those for other hazardous materials. One commenter pointed out that marking and labeling of clear plastic overpacks is currently excepted by § 173.25(a) when the markings and labeling of the inside packages are visible. The commenter viewed the added requirements as an example of over-regulation by the government. Despite the commenters arguments, the MTB does not believe that there was sufficient support provided for the points raised to make a revision of the rule as proposed. As was discussed earlier in this document the relationship of time is a critical factor in the accumulation of a dose of radiation, and the availability of a label(s) with the aggregate T.I. entered thereon is seen as an effective means for reducing the time spent by ground handlers in determining the activity of the package for proper placement in the aircraft, surface transport vehicle or storage area.

One commenter argued that subjecting overpacked packages of radioactive materials in non-specification packagings to Type A container test requirements for compression was highly impractical. The commenter further stated that "The plastic bag overpack which we used is placed over a variety of box shapes and sizes. Therefore, each shipment prepared would technically have to be tested 24 hours prior to movement." This commenter also suggested that the limited quantity of radioactive materials permitted in non-specification packagings is a sufficient safeguard in and of itself to eliminate the need for a performance standard greater than the standard requirements for all packages presently called for in § 173.24. The MTB agrees with these comments especially since most overpacks would be composed to Type A packages which are permitted, in part, because of their ability to withstand heavy loads. Accordingly, this proposed requirement in paragraph (b)(2)(iv) has been eliminated from the final rule.

Another commenter, objecting to the proposed restriction in paragraph (b)(2)(viii) which would have prohibited the consolidation of packages from more than one original shipper, claimed the proposal was confusing since it didn't specify who was to be considered the original shipper; that is the manufacturer, distributor, or central hospital serving satellite facilities. This proposed restriction has been removed from the final rule since it would have eliminated some safety benefits, such as reduced radiation levels achieved by shielding from surrounding packages. To address the comment directly, it should be noted that any person initiating a shipping paper is considered to be the original shipper.

Another commenter was concerned about the proposed option of entering the words "mixed radioactive materials" on the label of overpacks and shipping papers in place of specifically identifying the particular radionuclides. This proposal has been modified in part with the present requirement for specifying each package and its radioactive materials contents by activity, physical and chemical forms, transport index and the like on the shipping papers being retained. However, considering that each individual package label already specifies the particular radionuclide(s) contained therein, and considering further the limited space available for such information, use of the generic description "mixed" is determined to be sufficient on labels applied on overpacks and this element of the proposed regulation has been adopted. The required information available from shipping papers was recognized as being too valuable to emergency response personnel and other interested persons to justify deletion of the requirement. To

avoid possible confusion in completing the labeling requirements for an overpack containing packages of radioactive materials, guidance has been taken by specifying that the number of curies entries must be a cumulative total of all such similarly labeled packages contained therein. For the purposes of these regulations the T.I. marked on the label of an overpack may be used in calculating maximum vehicle loading limitations and distance separation requirements.

A commenter suggested that the label entry "mixed radioactive materials" would be in conflict with parallel requirements found in the Official Air Transport Restricted Articles Tariff No. 6-D (CAB No. 82) which specify that each radionuclide must be identified on the Yellow-II and Yellow-III labels. This difference has been avoided by changing the sense of proposed § 175.703(b)(2)(i) from a mandatory requirement to a permissive use of the word "mixed" in the contents entry on the label.

In this section also, one commenter recommended compatibility with the IATA separation requirements from undeveloped film. As no evidence was presented which would support this commenter's desire to promote uniform standards while adequately protecting other property at the same time, the more restrictive distance separations imposed by this section have been retained. However, the units of measure have been revised to include meters.

It should be noted that this amendment does not include the previously authorized option contained in § 175.710(c)(3) applicable to the carriage of Fissile Class III radioactive materials. As the MTB has received no requests for approval of procedures other than those specified in subparagraphs (c)(1) and (2) it was determined that retention of this approval system was unnecessary.

In consideration of the foregoing, Parts 173 and 175 of Title 49, Code of Federal Regulations are amended as follows:

1. In § 173.393, paragraphs (q) and (r) are added to read as follows:

§ 173.393 General packaging and shipment requirements.

* * * * *

(q) No person may offer for transportation aboard a passenger-carrying aircraft any single package with a transport index greater than 3.0 nor an overpack with a transport index greater than 3.0.

(r) If an overpack is used to consolidate individual packages of radioactive materials, the packages must comply with the packaging, marking, and labeling requirements of this subchapter, and the following conditions must be met:

(1) The overpack must be labeled as prescribed in § 172.403 of this subchapter except as follows:

(i) The "contents" entry on the label may state "mixed" unless each inside package contains the same radionuclide(s).

(ii) The "number of curies" entry on the label must be determined by adding together the number of curies of the radioactive materials packages contained therein.

(iii) For a non-rigid overpack, the required label together with required package markings must be affixed to the overpack by means of a securely attached, durable tag. The transport index must be determined by adding together the transport indexes of the radioactive materials packages contained therein.

(iv) For a rigid overpack, the transport index must be determined by—

(A) Adding together the transport indexes of the radioactive materials packages contained in the overpack; or

(B) Except for fissile radioactive materials, direct measurements as prescribed in § 173.389(i)(1) which have been taken by the person initially offering the packages contained within the overpack for shipment.

(2) The overpack must be marked as prescribed in Subpart D of Part 172 of this subchapter and § 173.25(a).

(3) The transport index of the overpack may not exceed 3.0 for passenger-carrying aircraft shipments, nor 10.0 for cargo-only aircraft shipments.

2. In § 175.75 paragraph (a)(3) is revised to read as follows:

§ 175.75 Quantity limitations aboard aircraft.

(a) * * *

(3) Packages containing radioactive materials when their combined transport index number (determined by adding together the transport index numbers shown on the labels of the individual packages and/or overpacks)—

(i) In passenger-carrying aircraft, exceeds 50.0, or

(ii) In cargo-only aircraft, exceeds 200.0 (for fissile radioactive materials, see § 175.702(b)(3)).

* * * * *

3. In § 175.85 paragraph (d) is amended by changing the section reference 175.700 in the last line to read "§ 175.701."

4. § 175.700 is revised to read as follows:

§ 175.700 Special limitations and requirements; radioactive materials packages in passenger-carrying aircraft.

(a) In addition to other requirements, no person may carry in a passenger-carrying aircraft any package required to be labeled in accordance with § 172.403 of this subchapter with a Radioactive Yellow-II or Radioactive Yellow-III label unless—

(1) For a package required to be labeled Radioactive Yellow-II, the transport index does not exceed 1.0;

(2) For a package required to be labeled Radioactive Yellow-III, the transport index does not exceed 3.0;

(3) The package is carried on the floor of the cargo compartment, or freight container; and

(4) The package is carried in the aircraft in accordance with §§ 175.85(d), 175.701, and 175.703(c).

(b) In addition to the reporting requirements of § 175.45, the carrier must also notify the shipper at the earliest practicable moment following any incident in which there has been breakage, spillage, or suspected radioactive contamination involving radioactive materials shipments. Aircraft in which radioactive materials have been spilled may not again be placed in service or routinely occupied until the radioation dose rate at any accessible surface is less than 0.5 millirem per hour and there is no significant removable radioactive surface contamination as determined in accordance with § 173.397 of this subchapter. When contamination is present or suspected, the package and/or materials it has touched must be segregated as far as practicable from personnel contact until needed radiological advice or assistance is obtained. The Regional Office of the U.S. Department of Energy or appropriate State or local radiological authorities can provide advice or assistance, and should be notified in cases of obvious leakage, or if it appears likely that the inside container may have been damaged. For personnel safety the carrier must take care to avoid possible inhalation, ingestion, or contact with radioactive materials that may have leaked or spilled from its package. Any loose radioactive materials and associated packaging materials must be left in a segregated area pending disposal instructions from responsible radiological authorities.

(c) Except as provided in this paragraph, no person may carry aboard a passenger-carrying aircraft any radioactive material other than a radioactive material intended for use in, or incident to, research, or medical diagnosis or treatment. Prior to May 3,

1981, this prohibition does not apply to materials which meet the requirements of § 173.391 (a), (b), or (c) of this subchapter in effect on May 3, 1979.

5. A new § 175.701 is added to read as follows:

§ 175.701 Separation distance requirements for packages containing radioactive materials in passenger-carrying aircraft.

(a) *General.* No person may carry in a passenger-carrying aircraft any package required by § 172.403 of this subchapter to be labeled Radioactive Yellow-II, or Radioactive Yellow-III unless the package is placed in the aircraft in accordance with the minimum separation distances prescribed in paragraph (b) or (c) of this section.

(b) *Separation distances.* (1) Except as provided in paragraph (c) of this secion, the minimum separation distances prescribed in paragraph (b)(2) of this section are determined by measuring the shortest distance between the surfaces of the radioactive materials package and the surfaces bounding the space occupied by passengers or animals. If more than one package of radioactive materials is placed in a passenger-carrying aircraft, the minimum separation distance for these packages shall be determined in accordance with paragraph (b)(2) of this section on the basis of the sum of the transport index numbers of the individual packages or overpacks.

(2) The following table prescribes minimum separation distances for the carriage of packages containing radioactive materials labeled Radioactive Yellow-II or Radioactive Yellow-III in passenger-carrying aircraft:

Transport index or sum of transport indexes of all packages in the aircraft or predesignated area	Minimum separation distances	
	Centimeters	Inches
0.1 to 1.0	30	12
1.1 to 2.0	50	20
2.1 to 3.0	70	28
3.1 to 4.0	85	34
4.1 to 5.0	100	40
5.1 to 6.0	115	46
6.1 to 7.0	130	52
7.1 to 8.0	145	57
8.1 to 9.0	155	61
9.1 to 10.0	165	65
10.1 to 11.0	175	69
11.1 to 12.0	185	73
12.1 to 13.0	195	77
13.1 to 14.0	205	81
14.1 to 15.0	215	85
15.1 to 16.0	225	89
16.1 to 17.0	235	93
17.1 to 18.0	245	97
18.1 to 20.0	260	102
20.1 to 25.0	300	118
25.1 to 30.0	330	130
30.1 to 35.0	360	142
35.1 to 40.0	390	154
40.1 to 45.0	420	166
45.1 to 50.0	450	177

(c) *Predesignated areas.* A package required by §172.403 of this subchapter to be labeled Radioactive Yellow-II or Radioactive Yellow-III may be carried in a passenger-carrying aircraft in accordance with a system of predesignated areas established by the aircraft operator. Each aircraft operator that elects to use a system of predesignated areas shall submit a detailed description of the proposed system to the Associate Director for Operations and Enforcement for approval prior to implementation of the system. A proposed system of predesignated areas is approved if the Associate Director for Operations and Enforcement determines that it is designed to assure that—

(1) The packages can be placed in each predesignated area in accordance with the minimum separation distances prescribed in paragraph (b)(2) of this section; and

(2) The predesignated areas are laterally separated from each other by minimum distance equal to at least four times the distances required by paragraphs (b)(1) and (b)(2) of this section for the predesignated area containing packages with the largest sum of transport indexes.

6. A new § 175.702 is added to read as follows:

§ 175.702 Requirements for carriage of packages containing radioactive materials in a cargo-only aircraft.

(a) As used in this section, the term "group of packages" means packages that are separated from each other in an aircraft by a distance of 20 feet (6 meters) or less.

(b) No person may carry in a cargo-only aircraft any package required by § 172.403 of this subchapter to be labeled Radioactive Yellow-II or Radioactive Yellow-III unless—

(1) The total transport index for all of the packages does not exceed 50.0 and the package is carried in accordance with § 175.701(a); or

(2) The total transport index for all of the packages exceeds 50.0 and—

(i) The separation distance between the surfaces of the radioactive materials packages and the surfaces bounding the space occupied by persons or animals is at least 30 feet (9 meters);

(ii) The transport index for any group of packages does not exceed 50.0; and

(iii) Each group of packages is separated from every other group in the aircraft by not less than 20 feet (6 meters), measured from the outer surface of each group; and

(iv) The total transport index for all packages containing fissile radioactive materials does not exceed 50.0.

7. § 175.703 is added to read as follows:

§ 175.703 Other special requirements for the acceptance and carriage of packages containing radioactive materials.

(a) No person may carry in an aircraft any package of radioactive materials required by § 172.403 of this subchapter to be labeled Radioactive Yellow-II or Radioactive Yellow-III closer than the distances shown in the following table to any package marked as containing undeveloped film:

Transport index	Minimum separation distance to nearest undeveloped film for various times of transit									
	Up to 2 hours		2 to 4 hours		4 to 8 hours		8 to 12 hours		Over 12 hours	
	Meters	Feet	Meters	Feet	Meters	Feet	Meters	Feet	Meters	Feet
0.1 to 1.0	0.3	1	0.6	2	0.9	3	1.2	4	1.5	5
1.1 to 5.0	0.9	3	1.2	4	1.8	6	2.4	8	3.3	11
5.1 to 10.0	1.2	4	1.8	6	2.7	9	3.3	11	4.5	15
10.1 to 20.0	1.5	5	2.4	8	3.6	12	4.8	16	6.6	22
20.1 to 30.0	2.1	7	3.0	10	4.5	15	6.0	20	8.7	29
30.1 to 40.0	2.4	8	3.3	11	5.1	17	6.6	22	9.9	33
40.1 to 50.0	2.7	9	3.6	12	5.7	19	7.2	24	10.8	36

(b) No person may accept for carriage in an aircraft packages of radioactive materials, other than limited quantities, contained in a rigid or non-rigid overpack, including a fiberboard box or plastic bag, unless they have been prepared for shipment in accordance with § 173.393(r) of this subchapter.

(c) No person may carry in an aircraft any package containing Fissile Class III radioactive materials (as defined in § 173.389(a)(3) of this subchapter), except—

(1) In a cargo-only aircraft which has been assigned for the sole use of the shipper for the specific shipment of fissile radioactive material. Instructions for the sole use must be developed by the shipper and carrier, and the instructions issued with the shipping papers; or

(2) In an aircraft in which there are no other packages required to bear a radioactive label as prescribed in § 172.403 of this subchapter. Specific arrangements must be made between the shipper and carrier, with instructions to that effect issued with the shipping papers.

§ 175.710 [Deleted]

8. § 175.710 is deleted.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53 and App. A to Part 1)

Note.—The Materials Transportation Bureau has determined that this document will not result in a major economic impact under the terms of Executive Order 12044 and DOT implementing procedures (44 FR 11034) nor require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.). A regulatory evaluation is available for review in the Docket.

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

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 80-8958 Filed 3-26-80; 8:45 am]

BILLING CODE 4910-60-M

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 78-16; Notice 3]

Federal Motor Vehicle Safety Standards; Occupant Crash Protection

AGENCY: National Highway Traffic Safety Administration (NHTSA).

ACTION: Response to petitions for reconsideration.

SUMMARY: This notice responds to petitions for reconsideration of the November 29, 1979, notice (44 FR 68470) amending Standard No. 208, *Occupant Crash Protection.* In response to petitions from the Motor Vehicle Manufacturers Association and Chrysler Corporation, the agency is deleting the requirement for emergency-locking or automatic-locking seat belt retractors at the outboard seating positions of the second seat in forward control vehicles. The effect of this deletion is to permit manufacturers to continue to use manual adjusting devices for the seat belts at those seating positions.

EFFECTIVE DATE: March 27, 1980

FOR FURTHER INFORMATION CONTACT: Mr. William E. Smith, Office of Vehicle Safety Systems, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590. (202-426-2242)

SUPPLEMENTARY INFORMATION: On November 29, 1979, NHTSA published a notice amending Standard No. 208, *Occupant Crash Protection* (44 FR 68470). The amendment deleted the exemption for forward control vehicles from several of the occupant restraint system requirements of the standard. (A forward control vehicle is one with a short front end. More than half of the engine is located to the rear of the forward point of the windshield base and the steering wheel hub is in the forward quarter of the vehicle.)

Chrysler Corporation and the Motor Vehicle Manufacturers Association (MVMA) filed petitions for reconsideration concerning the amendment. They argued that the November 1978 notice of proposed rulemaking for the amendment only proposed a change in the requirements for the safety belt systems in the front seat of forward control vehicles and did not give adequate notice about a change in the requirements for belts in the second seat of forward control vehicles (43 FR 52264). They said that the amendment adopted in the final rule requires forward control vehicles to have lap and shoulder belts in the front outboard designated seating positions and have automatic-locking or emergency-locking retractors at the outboard designated seating positions of the second seat of the vehicle.

The petitioners have correctly described the requirements added by the amendment. The amendment applies the requirements of § 4.2.2 of Standard No. 208 to all forward control vehicles manufactured after September 1, 1981. Section 4.2.2 requires a manufacturer to meet one of the following three occupant crash protection requirements: § 4.1.2.1, complete automatic protection, § 4.1.2.2, head-on automatic protection or § 4.1.2.3, lap and shoulder belt protection system. Manufacturers choosing to comply with section § 4.1.2.3 must install seat belt assemblies meeting the adjustment requirements of § 7.1 of the standard. The provisions of § 7.1 require that the seat belt assemblies installed at the outboard seating positions of the front and second seats adjust by means of an emergency-locking or automatic-locking retractor. Seat belt assemblies installed at all other seating positions can adjust either by an emergency-locking or automatic-locking retractor or by a manual adjusting device. Prior to the November 1979 amendment of Standard No. 208, forward control vehicles did not have to meet the requirements of § 4.2.1.3 but instead could meet § 4.2.1.2, which did not require the use of emergency-locking or automatic-locking retractors in the outboard seating positions of those vehicles.

The agency's November 1978 notice of proposed rulemaking was addressed to the specific portion of Standard No. 208 exempting forward control vehicles from the shoulder belt requirements. The final rule eliminating the exemption inadvertently changed the requirements for the second seats of light trucks and vans as well. Therefore, the agency is amending the standard to retain the current seat belt requirement for the second seat in light trucks and vans. The agency notes that one manufacturer (GM) of forward control vehicles voluntarily equips its vehicles with automatic-locking retractors and urges Chrysler to do the same. The agency will consider eliminating the remaining forward control exemptions from Standard No. 208 in future rulemaking.

The principal authors of this notice are Mr. William E. Smith, Office of Vehicle Safety Systems, and Mr. Stephen L. Oesch, Office of Chief Counsel.

In consideration of the foregoing, the following change is made in Part 571, Title 49 of the Code of Federal Regulations:

1. Section § 7.1.1.2 of Standard No. 208, *Occupant Crash Protection* (49 CFR 571.208), is amended to read as follows:

Section 7.1.1.2 (a) A seat belt assembly installed in a motor vehicle other than a forward control vehicle at any designated seating position other than the outboard positions of the front and second seats shall adjust either by a retractor as specified in § 7.1.1 or by a manual adjusting device that conforms to § 571.209. (b) A seat belt assembly installed in a forward control vehicle at any designated seating position other than the front outboard seating positions shall adjust either by a retractor as specified in § 7.1.1 or by a manual adjusting device that conforms to § 571.209.

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

Issued on March 18, 1980.

Joan Claybrook,

Administrator.

[FR Doc. 80-9164 Filed 3-26-80; 8:45 am]

BILLING CODE 4910-59-M

NATIONAL TRANSPORTATION SAFETY BOARD

49 CFR Part 806

National Security Information Policy and Guidelines; Implementing Regulations

AGENCY: National Transportation Safety Board.

ACTION: Final Rule.

SUMMARY: In conformity with Executive Order 12065, 43 FR 28949, July 3, 1978, entitled "National Security Information," and the Information Security Oversight Directive No. 1, 43 FR 46280, October 5, 1978, this rule establishes the National Transportation Safety Board's (Board) policy regarding classified information, defines the types

of classified information, and establishes procedures for requests to declassify records in the custody of the Board.

EFFECTIVE DATE: March 27, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Charles H. Batten, National Security Oversight Officer, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, DC 20594 (202–472–6145).

SUPPLEMENTARY INFORMATION: Executive Order 12065 requires that implementing regulations establishing agency national security information policy and guidelines be published in the **Federal Register.** Consequently, the Board is publishing this rule, which creates a new Part 806 of Title 49, Code of Federal Regulations, in Order to comply with and implement Executive Order 12065.

Since these regulations are general statements of policy and "rules of agency organization, procedure or practice," notice and public procedure respecting these regulations are not deemed necessary or appropriate under 5 U.S.C. 553(b)(A).

Accordingly, the Board adopts new 49 CFR Part 806 to read as follows:

PART 806—NATIONAL SECURITY INFORMATION POLICY AND GUIDELINES, IMPLEMENTING REGULATIONS

Sec.

806.1 General Policy.
806.2 Applicability.
806.3 Definitions.
806.4 Mandatory Review for Declassification.

Authority: Sec. 304 of the Independent Safety Board Act of 1974, 88 Stat. 2168 (49 U.S.C. 1903). Executive Order 12065, 43 FR 28949, July 3, 1978.

§ 806.1 General Policy.

(a) The interests of the United States and its citizens are best served by making information regarding the affairs of Government readily available to the public. This concept of an informed citizenry is reflected in the Freedom of Information Act and in the current public information policies of the executive branch.

(b) Within the Federal Government there is some official information and material which, because it bears directly on the effectiveness of our national defense and the conduct of our foreign relations, must be subject to some constraints for the security of our Nation and the safety of our people and our allies. To protect against actions hostile to the United States, of both an overt and covert nature, it is essential that such official information and material be given only limited dissemination.

§ 806.2 Applicability.

This rule supplements Executive Order 12065 within the Board with regard to national security information. It establishes general policies and certain procedures for the classification and declassification of information which is generated, processed, and/or stored by the Board. In this connection, the Board does not have any original classification authority but infrequently does receive classified information from other agencies.

§ 806.3 Definitions.

(a) Classified Information—Information or material, herein collectively termed information, that is owned by, produced for or by, or under the control of, the United States Government and that has been determined pursuant to Executive Order 12065, or prior orders, to require protection against unauthorized disclosure and that is so designated. One of the following classifications will be shown:

(1) "Top Secret" means information, the unauthorized disclosure of which reasonably could be expected to cause exceptionally grave damage to the national security.

(2) "Secret" means information, the unauthorized disclosure of which reasonably could be expected to cause serious damage to national security.

(3) "Confidential" means information, the unauthorized disclosure of which reasonably could be expected to cause identifiable damage to the national security.

(b) "Foreign Government Information" means either (1) information provided to the United States by a foreign government or international organization of governments in the expectation, express or implied, that the information is to be kept in confidence; or (2) information produced by the United States pursuant to a written joint arrangement with a foreign government or international organization of governments requiring that either the information or the arrangements or both, be kept in confidence.

(c) "National Security" means the national defense and foreign relations of the United States.

(d) "Declassification Event" means an event which would eliminate the need for continued classification.

§ 806.4 Mandatory Review for Declassification.

(a) Requests for mandatory review for declassification under section 3–501 of E.O. 12065 must be in writing and should be addressed to: National Security Oversight Officer, National Transportation Safety Board, Washington, D.C. 20594.

(b) The requester shall be informed of the date of receipt of the request at the Board. This date will be the basis for the time limits specified by section 3–501 of E.O. 12065. If the request does not reasonably describe the information sought, the requester shall be notified that, unless additional information is provided or the request is made more specific, no further action will be taken.

(c) When the Board receives a request for information in a document which is in its custody but which was classified by another agency, it shall refer the request to the appropriate agency for review, together with a copy of the document containing the information requested, where practicable. The Board shall also notify the requester of the referral, unless the association of the reviewing agency with the information requires protection. The reviewing agency shall review the document in coordination with any other agency involved or which had a direct interest in the classification of the subject matter. The reviewing agency shall respond directly to the requester in accordance with the pertinent procedures described above and, if requested, shall notify the Board of its determination.

Signed at Washington, D.C., on this 20th day of March 1980.

James B. King,

Chairman.

[FR Doc. 80–9338 Filed 3–26–80; 9:45 am]

BILLING CODE 4910–58–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1013

[Ex Parte No. 366]

Legal Assistance Referral Service

AGENCY: Interstate Commerce Commission.

ACTION: Final rules.

SUMMARY: These regulations govern Commission participation in the Legal Assistance Referral Service, a joint program of the Association of Interstate Commerce Commission Practitioners (AICCP) and the Motor Carriers Lawyers' Association (MCLA). The goal of the program is to provide representation for persons otherwise unable to bear expenses involved in Commission proceedings. The

Commission will assist the program for a one-year trail period. A subsequent notice will be issued prior to the effective date which will name the liaison and establish the toll free telephone number for the Service.

EFFECTIVE DATE: These rules will become effective April 28, 1980.

FOR FURTHER INFORMATION CONTACT: Lee Alexander (202) 275–7597.

SUPPLEMENTARY INFORMATION: This is the culmination of a two-part rulemaking proceeding which was instituted by a petition filed jointly by AICCP and MCLA. The petition asked the Commission to develop regulations to facilitate the operation of a legal assistance program for parties who could not otherwise afford to participate in Commission proceedings. A notice of proposed rulemaking was published in the **Federal Register** on September 5, 1979 [44 Fed Reg. 51830 (1979)]. Comments were received from five individuals and organizations.[1]

In our prior notice, we indicated that we support the objectives of petitioners' innovative and worthwhile proposal. We also sought comments on certain questions about the practical operation of the program. These questions have been resolved as follows. Requests for assistance received by Commission personnel will be referred to the liaison to the Committee on Interstate Commerce Representation (CICR). The liaison will then provide the caller with the names and addresses of all attorneys and practitioners on CICR's list of panelists. CICR will require the services of only one Commission employee to receive calls on a telephone listed in the name of CICR. The liaison will also maintain the list of panelists, and keep records of all cases in which the service is used. The liaison will submit quarterly reports to the Commission during the one-year trial period of the program. During this trial year of operation, specific eligibility standards will not be employed. An applicant for assistance will simply declare on CICR's form that he or she is unable to pay the legal fees that will be involved in a proceeding. Legal assistance will be available in all proceedings except rulemaking proceedings and general investigations. Proposed rules 3, 5(b), and 5(c) will be altered to reflect these refinements.

In addition to these modifications, we will not waive the filing fee in application proceedings. The application fee is based on a requirement of the Independent Offices Appropriations Act of 1952 (31 USC 483a). This Act requires agencies to prescribe by regulation such fees as they shall determine "to be fair and equitable, taking into consideration direct and indirect cost to the Government, value to the recipient, and public policy or interest served, and other pertinent facts". The filing fee often does not cover the Commission's full cost of handling the application. Furthermore, while our requirement in motor carrier licensing of financial reliability is not generally considered to be a severe one, it would appear that applicants unable to pay the filing fee would have extreme difficulty establishing their financial fitness and also would not likely be in a position to undertake a successful motor carrier operation. See, Vice Chairman O'Neal's statement before Congressman Parren J. Mitchell on Minority Owned Concerns in the Trucking Industry, delivered on December 4, 1975, and reproduced at 125 M.C.C. at 334–37. Finally, the value of a certificate, permit, or license to the recipient under this program would be no less than those issued to any other applicant. In these circumstances, we have decided not to allow waivers of the filing fees.

We will not provide participants copies of pertinent transcripts at no charge as proposed. Rule 88 of the Commission's General Rules of Practice provides that "(n)o free copies of transcripts will be furnished to any party to any proceeding." In lieu of this assistance, we will ask the company currently providing the Commission with transcripts whether they will make available copies of transcripts at cost to participants in the Legal Assistance Referral Service. If this cooperation is not forthcoming, we will explore the attitudes of other reporting services.

Accordingly, we adopt the following rules at 49 C.F.R. Part 1013.

PART 1013—SPECIAL REGULATIONS GOVERNING COMMISSION PARTICIPATION IN THE LEGAL ASSISTANCE REFERRAL SERVICE

Sec.

1013.1 Scope.
1013.2 Definitions.
1013.3 Function of CICR.
1013.4 Qualification for assistance.
1013.5 Commission assistance to CICR.
1013.6 Duration.

Authority: 49 U.S.C. 10321 and 5 U.S.C. 553

§ 1013.1 Scope.

These special rules govern the Commission's Legal Assistance Referral Service program. The goal of the program is to provide representation for persons otherwise unable to bear expenses involved in participating in Commission proceedings. The program does not apply to rulemaking proceedings and general investigations.

§ 1013.2 Definitions.

(a) *CICR.*—The Committee on Interstate Commerce Representation which consists of five members; two appointed by the Motor Carrier Lawyers' Association, two appointed by the Association of Interstate Commerce Commission Practitioners, and a fifth member appointed by the other four members to serve as Chairman.

(b) *Certification form.*—A form developed by CICR which documents the fact that a participant in Commission proceedings meets CICR eligibility requirements.

§ 1013.3 Function of CICR.

CICR shall supervise the Legal Assistance Referral Service. This includes the determination of eligibility standards to be used after the first year of the program's existence and the development of a certification form that the participant meets these requirements. The eligibility standards are subject to Commission approval. CICR shall also provide the Commission with a list of panelists for referral when a person requests free assistance under this program.

§ 1013.4 Qualification for assistance.

During the one-year trial period of this program, a declaration of inability to pay the legal fees and expenses that might be involved in the proceeding qualifies a person for assistance. After the trial period, qualification for assistance will be based upon the eligibility standards developed by CICR and approved by the Commission.

§ 1013.5 Commission assistance to CICR.

The Commission, through the Office of the Secretary, shall provide CICR assistance as follows:

(a) *Liaison.* The Commission shall provide administrative and clerical support to CICR by appointing an employee to serve as liaison to CICR. The liaison shall receive calls on a telephone listed in the name of CICR and keep records pertaining to the assignment and disposition of CICR cases. The liaison shall submit quarterly reports to the Commission during the one-year trial period of this program.

(b) *Referral.* The Commission shall refer any person requesting free representation or assistance not otherwise provided by Commission staff to the liaison with CICR. The liaison shall then provide the names and addresses of all attorneys and

[1] The MCLA Committee on *Pro Bono* Legal Services, Office of Rail Public Counsel, Tank's Enterprises, Inc., Kenneth F. Dudley, Ltd., and The United States Office of Consumer Affairs.

practitioners on the list of panelists developed by CICR.

(c) *Cooperation.* The Commission shall cooperate in CICR's evaluation process.

§ 1013.6 Duration.

Commission assistance to the Legal Assistance Referral Service program shall be provided for one year. At the end of this time, the Commission shall evaluate the program and institute a rulemaking proceeding, if necessary, to make any needed changes in the rules to assure the success of this program. Before they are put into use, the eligibility standards developed by CICR must be approved by the Commission.

This action will not significantly affect the quality of the human environment or the conservation of energy resources. Issued under the authority of 49 U.S.C. 10321 and 5 U.S.C. 553.

Dated March 19, 1980.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum, and Alexis. Commissioner Trantum dissenting.

Agatha L. Mergenovich

Secretary.

Commissioner Trantum (dissenting)

The Commission should not participate in the Legal Assistance Referral Service that has evolved in this proceeding. First, to the extent government resources are involved, it is for Congress to determine whether the public interest requires free or low-cost legal assistance for private parties in proceedings before the Commission. Second, under the rules adopted by the majority, the Commission's involvement has been reduced to barely more than providing official sanction to a private referral service. Finally, we are setting ourselves up to rule on CICR's "eligibility standards" even though the Commission has no such expertise.

[FR Doc. 80-9354 Filed 3-26-80; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Part 1127

[Ex Parte No. 293 (Sub No. 8)]

Standards for Determining Commuter Rail Service Continuation Subsidies

AGENCY: Rail Services Planning Office, Interstate Commerce Commission.

ACTION: Amendments to the standards, final rule.

SUMMARY: On December 21, 1979, the Rail Services Planning Office (RSPO) issued a further notice of proposed amendments to the Standards for Determining Commuter Rail Service Continuation Subsidies (Standards), 45 FR 55. The proposed amendment reflected a change in the cost responsibilities for personal injuries and property damage occasioned by RSPO's ruling in Interpretation No. 9 that the owner of a rail property is presumed to be the dominant user and should bear the base costs of the property. RSPO requested comments on the proposed amendment and after reviewing the comments received, has made several technical modifications in the proposed amendment.

EFFECTIVE DATE: This amendment is effective retroactively to August 15, 1978.

FOR FURTHER INFORMATION CONTACT: Stephen M. Grimm, (202) 275-0838.

SUPPLEMENTARY INFORMATION:

On December 21, 1979, RSPO issued a further notice of proposed amendments to the Standards for Determining Commuter Rail Service Continuation Subsidies (Standards). Included in this notice was a proposed amendment reflecting a change in the cost responsibilities for personal injuries and property damage occasioned by RSPO's ruling in Interpretation No. 9 that the owner of a rail property is presumed to be the dominant user and should bear the base costs of the property. Interpretation No. 9, RSPO found that a rulemaking proceeding would be required to develop the specific amendments necessary to implement the conceptual decision made in the interpretation. A notice of proposed rulemaking was issued on October 19, 1978 and after an evaluation of the comments and proposals received, RSPO published proposed regulations on July 6, 1979, 44 FR 39560. At that time, RSPO requested the parties to comment on whether the issue of the responsibility for personal injuries and property damage was critical to the revision of the Standards. RSPO considered the comments received and subsequently issued the proposed amendment.

The Maryland Department of Transportation (MD DOT) recommended that the parties share liability costs on a no-fault basis. MD DOT noted that such an agreement has been reached between Conrail and at least one commuter authority.

The Consolidated Rail Corporation (Conrail) submitted several comments on the proposed change in the regulations. Conrail notes that although the proposed amendment clearly establishes the responsibility of the minority user, no mention is made of the dominant user's liability. In Conrail's opinion:

> * * * RSPO has inadvertently narrowed the scope of this section. By only dealing with the liability of the minority user, the amendment is ambiguous with regard to the responsibility of commuter service for casualty losses when it is the dominant user. For example, if an accident occurs on the subsidizer's property which only involves commuter trains, it is Conrail's position that the subsidizer would continue to be responsible for the resulting injuries and damage.

Conrail recommends that RSPO clearly establish the subsidizer's responsibility for a solely commuter incident.

Additionally, Conrail notes that the proposed amendment does not specifically provide for a casualty reserve fund when the subsidizer is the dominant user. Conrail believes that RSPO should include a provision in the Standards that allows the subsidizer to establish a casualty reserve fund regardless of whether it is the dominant or minority user.

Conrail also suggests that RSPO modify the method for apportioning the insurance costs among the commuter services. Conrail notes that although the Standards provide for these costs to be apportioned on the basis of passenger-miles, the parties have agreed to share these costs on the basis of passenger revenues. Conrail suggests that section 1127.7(f)(3)(vii) be revised to read:

> Such amounts shall be apportioned between the several commuter services operated by the railroad on the basis of relative passenger revenues (including pass rider allowances).

After reviewing the comments, RSPO believes that MD DOT has presented one viable solution to the issue of liability. However, a non-fault agreement is only one solution to this issue and is properly a subject for negotiation between the subsidizer and Conrail.

RSPO has reviewed Conrail's suggestions and believes that Conrail has raised several valid issues. Conrail is correct in noting that section 1127.7 (f)(3)(vii) does not specifically define the liability of the dominant user for accidents that solely involve the dominant user's service. RSPO believes that it is implicit that the dominant user is responsible for personal injuries and property damage resultant from an accident that only involves the dominant user's services. However, RSPO agrees that the proposed amendment may be misread and has incorprated a provision into the final amendment to clarify this issue.

The Conrail suggestion that the proposed amendment permit the parties to establish a casualty reserve account regardless of which party is the dominant user is a valid one. Consequently, RSPO has reworded that portion of the section to conform with Conrail's suggestion. However, in

recognition of the dominant user's responsibility for the base costs, RSPO has added the provision that, where the subsidizer is the dominant user, the insurance premium will be determined as if the commuter service were the sole user. Additionally, where the commuter service is the minority user, RSPO has revised the method for apportioning insurance costs among the commuter services to reflect the actual agreement between the subsidizers and Conrail.

On February 8, 1980, the Southeastern Pennsylvania Transportation Authority (SEPTA) filed a brief response to the comments submitted by Conrail. On February 13, 1980, Conrail filed a motion to strike the SEPTA submission. Conrail argues that SEPTA's comments were filed well after the January 31, 1980 deadline for responses and that apparently no extension of time for the filing of comments was either requested or granted. Conrail states that SEPTA's comments are "irrelevant and immaterial" since SEPTA responded only to Conrail's submission and not to the proposed amendment itself. Finally, Conrail notes that the further notice of proposed amendments to the Standards did not indicate that the parties would be allowed to respond to each other's comments.

RSPO has examined SEPTA's comments and Conrail's motion to strike and agrees that SEPTA's reply should be stricken from the record. SEPTA's response is not germane to the proposed amendment and merely reiterates SEPTA's disagreement with the ruling on the liability of the parties for personal injuries and property damage.

This is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

This rule is published under the authority of 49 U.S.C. 10362.

Issued: March 18, 1980, by Alexander Lyall Morton, Director, Rail Services Planning Office.

By the Commission.

Agatha Mergenovich,

Secretary.

§ 1127.7 [Amended].

1. Section 1127.7(f)(3)(vii) is revised to read as follows:

* * * * *

(f) * * *

(3) * * *

(vii) *Freight Lost or Damaged—Solely Related; Clearing Wrecks; Other Casualties and Insurance.* The minority user shall be responsible for any costs incurred under these accounts resulting from the operation of the minority service. The dominant user is responsible only for those costs incurred under these accounts resulting from an incident that solely involves the operation of the dominant service. The railroad shall, if the subsidizer agrees, establish a reserve for the purpose of holding the subsidizer harmless from any liabilities under these accounts arising out of the operation of commuter services. Where the commuter service is the minority user, the costs assigned to these accounts for commuter service insurance shall be determined by ascertaining from the railroad's underwriters: (A) the difference in the current premium if commuter service were not operated and (B) the additional premium required to hold the railroad and the subsidizers harmless from any liability. Such amounts shall be apportioned between the several commuter services operated by the railroad either on the basis of the relative passenger-miles (including pass riders) or on the basis of the relative passenger revenues (including pass rider allowances). Where the commuter service is the dominant user, the costs assigned to these accounts for commuter service insurance shall be determined by ascertaining from the railroad's underwriters the premium if the commuter service were operated as the sole user of the properties involved.

* * * * *

(49 U.S.C. 10362.)

[FR Doc. 80-9423 Filed 3-26-80; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 671

Commercial Tanner Crab Fishery Off the Coast of Alaska; Amendment to Fishery Management Plan and Final Regulations

AGENCY: National Oceanic and Atmospheric Administration (NOAA)/ Department of Commerce.

ACTION: Final Regulations.

SUMMARY: The Director, Alaska Region, ("Regional Director"), National Marine Fisheries Service (NMFS) issues a final regulation (Field Order) applicable to fishing by vessels of the United States in the Alaska Tanner Crab Fishery, in accordance with the Fishery Management Plan (FMP) for the Commercial Tanner Crab Fishery off the Coast of Alaska, and regulations implementing this FMP [50 CFR 671.27(b)]. This Field Order closes (1) the Southeast section and (2) the Southwest section of the Kodiak district in the Westward registration area "J" to fishing for Tanner crab by vessels of the United States. These closures are effective beginning a 6:00 P.M. Alaska Standard Time (AST) on March 25, 1980 rather than on April 30, 1980, as currently provided in 50 CFR 671.26(f)(3)(i). The closure will remain in effect until November 1, 1980.

DATES: Effective date: 6:00 P.M. (AST), March 25, 1980. Public comments are invited until May 27, 1980. Comments may be sent to: Harry L. Rietze, Director, Alaska Region, National Marine Fisheries Service, Juneau, Alaska 99802.

FOR FURTHER INFORMATION CONTACT: Harry L. Rietze, Telephone: (907) 586–7221.

SUPPLEMENTARY INFORMATION: The FMP, which was extended by amendment through October 31, 1980 (45 FR 785), provided for in-season adjustments to season and area openings and closures. The implementing regulations in 50 CFR Part 671 specify in § 671.27(b) that these decisions shall be made by the Regional Director in accordance with the criteria set out in that section. On October 20, 1978, the Assistant Administrator for Fisheries, NOAA, with the approval of the Administrator, NOAA, delegated to the Regional Director authority to promulgate Field Orders making in-season adjustments.

50 CFR 671.28(f) creates four districts within Registration Area J. The districts were created, in part, to prevent overfishing of individual Tanner crab stocks by allowing closure of a particular district when the desired harvest level in that district is reached. One of these districts is the Kodiak district. Although the FMP states the optimum yield for the Kodiak district to be 35 million pounds, the Alaska Board of Fisheries during its December 1979 meeting established a 10 to 25 million pound guideline harvest level in this district. This harvest guideline was based on relative stock abundance indices observed from each of the eight fishing sections within the district during the 1979 crab index survey, together with the historical commercial fishery performance. Preseason assessments of stock abundance for the district indicate a desirable harvest level of approximately 15 million pounds for the 1979–80 fishing season. Each of eight fishing sections within the Kodiak district are evaluated individually based on their individual stock abundance trends and conditions.

The Southeast fishing section of the Kodiak district has a projected 1.0

million pound harvest level for the 1979–80 fishing season. This harvest represents a 1.5 million pound reduction from the 1978–79 commercial catch of 2.5 million pounds and is the result of an 84 percent decrease in the relative abundance index of legal crabs observed in the crab indexing surveys since 1977. Since the start of the season, January 5, 1980, 764,000 pounds have been harvested by approximately 20 vessels with an average catch of 23 crabs per pot compared to 28 vessels averaging 41 crabs per pot during the 1978–79 season.

The Southwest fishing section has a projected 2.0 million pound harvest level for the 1979–80 season. This is a 3.2 million pound reduction from the 1978–79 commercial catch of 5.2 million pounds. This reduction resulted from a 78 percent decrease in the relative abundance index for legal crabs observed during the crab indexing surveys since 1977. Since the beginning of the season, 1.7 million pounds have been harvested by approximately 20 vessels averaging 26 crabs per pot compared to 37 vessels averaging 43 crabs per pot during the 1978–79 season.

It is expected that at the current rate of catch, the desired harvest level for both the Southeast and Southwest sections of the Kodiak district will be reached by 6:00 P.M. (AST) March 25, 1980; therefore, these sections will close to all Tanner crab fishing effective on that date.

In order to prevent overfishing of the Tanner crab stock in these sections of the Kodiak district, the Regional Director has determined, in accordance with 50 CFR 671.26(b) and Department Administrative Order 218–7 (43 FR 2083), and following consultation with the Commissioner, Alaska Department of Fish and Game, that an emergency exists; the Southeast section and the Southwest section of the Kodiak district in Registration Area J should be closed at 6:00 P.M. (AST) on March 25, 1980 rather than on April 30, 1980.

The Regional Director further finds that, in order to protect the resources, public comments prior to issuance of this Field Order are impracticable and contrary to the public interest. However, public comments on the necessity for, and extent of, these closures will be received by the Regional Director for a period of 60 days after the effective date of the Field Order. During this 60-day period, the data and information upon which this decision is based will be available for inspection during business hours at the NMFS, Alaska Regional Office, Federal Building, Room 453, 709 West 9th Street, Juneau, Alaska.

Should comments be received during the 60-day period, if appropriate, the Regional Director shall reconsider the necessity for each closure and, as soon as practicable after that reconsideration, shall publish in the **Federal Register** either: (A) a notice of continued effectiveness of the closure; or (B) a notice to modify or rescind the closure.

An enviornmental impact statement was prepared for the Commercial Tanner Crab Fishery off the Coast of Alaska FMP and is on file with the Environmental Protection Agency. A regulatory analysis has been prepared in compliance with Executive Order 12044.

Signed at Washington, D.C., this 20th day of March, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

In accordance with 50 CFR 671.27(b), 50 CFR 671.26(f)(3)(i) is amended by adding paragraphs (F) and (G) as follows:

§ 671.26 Season and gear restrictions.

* * * * *

(f) * * *

(3) * * *

(i) * * *

(F) In that portion of the Kodiak district southwest of a line extending 168° from Cape Barnabas (57°09′N latitude, 152°53′W longitude) and east of a line extending 222° from Cape Trinity (56°44′50″N latitude, 154°08′30″W longitude) from January 5 through 6:00 PM (AST) March 25, 1980 only; and

(G) In that portion of the Kodiak district west of a line extending 222° from Cape Trinity (56°44′50″N latitude, 154°08′30″W longitude), south of a line from Cape Ikolik (57°17′15″N latitude, 154°47′W longitude) on Kodiak Island to Cape Kilokak on the Alaska Peninsula (57°11′15″N latitude, 156°19′W longitude) and east of the longitude of Cape Kilokak from January 5 through 6:00 PM (AST) March 25, 1980 only.

[FR Doc. 80-9301 Filed 3-26-80; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 45, No. 61
Thursday, March 27, 1980

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Ch. IX

[Docket No. AO-384]

Grapefruit Grown in Arizona; Termination of Proceeding AO-384

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice terminates a proceeding with respect to a proposed marketing agreement and order program for grapefruit grown in Arizona. No evidence was received at a public hearing on the need for the proposed marketing program.

EFFECTIVE DATE: March 27, 1980.

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

SUPPLEMENTARY INFORMATION: Prior actions in this proceeding: A Notice of Hearing with respect to a proposed marketing agreement and order for grapefruit grown in Arizona was issued February 1, 1979, and it was published in the **Federal Register** (44 FR 7724) on February 7, 1979. The public hearing was held in Phoenix, Arizona, on March 12, 1979, to develop evidence on the need for the proposed marketing agreement and order.

This action has been reviewed under the USDA criteria for implementing Executive Order 12044, and has been classified "significant." An Impact analysis is available from Malvin E. McGaha, Chief, Fruit Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, Telephone: 202–447–5975.

FINDINGS AND DETERMINATIONS: (a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*) and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order, regulating the handling of grapefruit grown in Arizona. At the hearing, all witnesses who appeared in connection with the proposals stated that they wished to abandon them. Since the record contains no evidence in support of the proposed marketing agreement and order, there is insufficient basis for issuance.

(b) *Determination.* It is hereby determined that the issuance of the proposed marketing and order regulating the handling of grapefruit grown in Arizona would not tend to effectuate the declared policy of the act.

Order Relative To Termination of Proceeding

It is therefore ordered, That the proceeding with respect to the proposed marketing agreement and order for grapefruit grown in Arizona (Docket No. AO–384) be terminated, March 27, 1980.

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

Dated: March 21, 1980.

Jerry C. Hill

Deputy Assistant Secretary for Marketing and Transportation Services.

[FR Doc. 80-9258 Filed 3-26-80; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 205

Proposed Rule on Reports on Impending Major Electric Utility System Emergencies, Customer Load Reductions, and/or Significant Service Interruptions in Bulk Electric Power Supply and Actions To Minimize Their Impact

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice of a proposed rulemaking regarding the issuance of regulations pursuant to sections 202(a) and 311 of the Federal Power Act. Section 202(a) authorized the Federal Power Commission to take such action as necessary to assure an abundant supply of electric energy throughout the country. Section 311 of the Federal Power Act authorized and directed the Federal Power Commission to collect data for the purpose of reporting the problems and developments of the electric power industry to the Congress. The Department of Energy Organization Act transferred the responsibilities under sections 202(a) and 311 of the Federal Power Act to the Secretary of Energy. ERA has been delegated authority by the Secretary to receive reports of incidents on the electric power system. Pursuant to section 705 of the DOE Act, incidents have been reported to ERA in accordance with 18 CFR 141.58. ERA hereby proposes to reissue certain regulations from 18 CFR, Power and Resources, in 10 CFR, Energy. Some changes and additions have been made to the original reporting requirements in an effort to clarify reportable incidents. The regulations also encourage utilities to submit to ERA their plans to minimize the impacts of bulk power supply interruptions and shortages.

DATES: Comments on this proposed rule are invited and should be submitted on or before April 30, 1980. Requests for a public hearing are due by April 21, 1980.

ADDRESS: All comments to: Department of Energy, Docket Control Center, Docket No. ERA–R–80–04, Room 2313, 2000 M Street NW., Washington, D.C. 20461, (202) 653–3757.

FOR FURTHER INFORMATION CONTACT:

James M. Brown, Jr., Office of Utility Systems, Economic Regulatory Administration, U.S. Department of Energy, Room 4110, 2000 M Street NW., Washington, D.C. 20461, (202) 653–3825.

Lise Courtney M. Howe, Office of General Counsel, U.S. Department of Energy, Room 5E–064, Forrestal Building, 1000 Independence Avenue NW., Washington, D.C. 20585, (202) 252–2900.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose
II. Environmental Analysis
III. Significance Review
IV. Proposed Rule
V. Written Comment and Public Hearing Procedures
A. Written Comments
B. Public Hearing

I. Background and Purpose

The Department of Energy (DOE), upon its organization, assumed several programmatic activities that previously were within the jurisdiction of the Federal Power Commission. In

accordance with section 202(a) of the Federal Power Act, DOE is responsible for encouraging actions to assure an abundant supply of electric energy throughout the country. Under section 311 of the Federal Power Act, DOE is authorized and directed to collect information regarding the generation, transmission and distribution of electric energy and to report the problems and developments of the electric utility industry to Congress. The information collected under the reporting requirements contained in § 141.58 of Title 18, Code of Federal Regulations (CFR) enabled the Federal Power Commission to fulfill a portion of the responsibilities under sections 202(a) and 311 of the Federal Power Act.

DOE proposes to amend the reporting requirements in 18 CFR 141.58 and to incorporate such rules into § 205.350 *et seq.* of title 10 of the CFR. The revisions are intended to clarify the reporting requirements and to include related reporting requirements formerly imposed by the Federal Power Commission.

II. Environmental Analysis

DOE is reviewing these proposed regulations pursuant to DOE's responsibilities under the National Environmental Policy Act of 1969, and expects to determine that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment. The final rules will not be issued until DOE has determined that no environmental impact statement is required.

III. Significance Review

DOE has determined that this is not a significant regulation and that it will not have a major impact within the meaning of the DOE procedures implementing Executive Order 12044 on "Improving Government Regulations (DOE Order 2030.1, 44 FR 1032, January 3, 1979). Therefore, a regulatory analysis is not required for this proposed regulation.

DOE further has determined that the proposed regulation will not substantially affect the goals of the National Energy Plan and are not of major concern to the public, the Congress, and the President. In addition, analysis shows the regulations would not result in any incremental costs in excess of $100 million per year. The impact of the proposed rules is expected to be minor because electric utilities report most of the proposed required information already under Title 18 of the CFR. Currently, ERA receives between ten and twenty incident reports each month. The proposed changes in the reporting requirements are expected to increase the average number of reports filed to between twenty and thirty each month.

IV. Proposed Rule

The proposed rule changes the existing rules as follows:

a. All references to "the Commission" have been changed to "ERA" in accordance with the DOE Organization Act and Delegation Order No. 0204–4 (42 FR 60726, November 29, 1977).

b. Reporting requirements under § 205.352 change the recipient of the reports from the appropriate Regional Office of the Commission to the DOE/ERA Electric Power Monitoring Center (EPMC).

c. Under § 205.352(d), more details and examples are provided to describe the phrase "of consequence on a regional or national basis or constituting an unusual hazard to the bulk electric power supply system." Other incidents that ERA considers to be "an unusual hazard to the bulk electric power supply" are reportable under §§ 205.352(f), (g) and (h).

d. Under § 205.352(f), ERA has included a reporting requirement for any widespread outage which affects over 50,000 customers for more than one hour. This event was added to inform ERA of any widespread outage affecting a significant number of consumers, regardless of the cause or the estimated amount of load loss.

e. Under § 205.352(g), ERA proposes to require that the extended forced outage of generating units 400 MW or larger and any ordered shutdown of generation be reported because the forced outage of such large units is considered by ERA to be a significant incident on the bulk power supply system. Such outages can have a hazardous impact on system reliability and security. Also, fuel requirements can be changed drastically.

f. Under § 205.352(h), ERA proposes to include fuel supply emergencies as reportable events. Such incidents were previously reported to the Federal Power Commission pursuant to Order 438A issued March 15, 1974. Reports of fuel supply emergencies have been incorporated into these regulations in an effort to reduce the number of regulations concerning emergency reporting.

g. Under § 205.352(i), ERA proposes to require that incidents in which bulk power system frequency declines to 59.7 hertz or lower for over 60 seconds be reported. ERA considers such an event to be hazardous to the bulk power system. An explicit statement of this requirement will further clarify incidents required to be reported.

h. Under § 205.354, references to the Federal Power Commission's Chief, Bureau of Power have been changed to ERA's director of the Division of Power Supply and Reliability.

i. Under the proposed § 205.355, electric utilities are requested to file voluntarily with ERA their load reduction contingency plans. A similar request was previously made by the Federal Power Commission in Order 445, issued January 11, 1972.

Pursuant to section 202(g) of the Federal Power Act, added by section 206 of the Public Utility Regulatory Policies Act of 1978, utilities under the jurisdiction of the Federal Energy Regulatory Commission (FERC) will be required to file with the FERC contingency plans concerning shortages of power and energy and to report anticipated power and energy shortages which may affect their ability to serve wholesale customers. An interim rule (Docket No. RM 79–52) was issued by the FERC on June 15, 1979 and amended on October 23, 1979. The reporting required herein is distinct from the section 202(g) requirement. Final ERA and FERC rules will be coordinated to minimize duplicate reporting.

V. Written Comment and Public Hearing Procedures

A. Written Comments

You are invited to participate in this proceeding by submitting information, opinions or arguments with respect to the proposals set forth in this Notice. Comments should be submitted by 4:30 p.m., E.S.T., April 30, 1980, to the address indicated in the "Address" section of this Notice and should be identified on the outside envelope and on documents submitted, with the designation "Electric Power System Outage/Incident/Disturbances Reporting Rule," Docket No. ERA–R–80–04. Five copies should be submitted. All comments received will be available for public inspection in the DOE Freedom of Information Office, GA–152, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, and the ERA Office of Public Information, Room B–110, 2000 M Street, NW., Washington, D.C. 20461, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays.

Any information or data submitted which is considered to be confidential must be so identified and submitted in writing, one copy only. We reserve the right to determine the confidential status of such information or data and to treat it according to our determination.

B. Public Hearing

1. *Procedures for request to make oral presentation.* We do not plan to hold a public hearing unless requested to do so. The time and place for a public hearing would be published at a later date.

If you wish to request a public hearing, you should briefly describe your interest and, if appropriate, state why you are a proper representative of a group or class of persons having such interest. In addition, your request should include a daytime phone number where you may be contacted.

A request for a public hearing should be sent to the address shown in the "Address" section and must be received by April 21, 1980.

2. *Conduct of public hearing.* We reserve the right to schedule participants' presentations and to establish the procedures governing the conduct of a hearing. We may limit the length of each presentation, based on the number of persons requesting to be heard.

ERA will designate officials to preside at a hearing. This will not be a judicial-type hearing. Questions may be asked only by those conducting the hearing. At the conclusion of all initial oral statements, each person who has made an oral statement may be given the opportunity, if time permits and if he or she so desires, to make a rebuttal statement. Rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

If you wish to ask a question at the hearing, you may submit it in writing to the presiding officer at the hearing. The presiding officer will determine whether time limitations permit it to be presented for answer.

The presiding officer will announce any further procedural rules needed for the proper conduct of the hearing.

ERA will have a transcript made of the hearing, and ERA will retain the entire record of the hearing, including the transcript, and make it available for inspection at the DOE Freedom of Information Office, Room GA–152, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C,. 20585 and the ERA Office of Public Information, Room B–110, 2000 M Street, NW., Washington, D.C. 20461, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. A copy of the transcript may be purchased from the reporter.

In consideration of the foregoing, the Department of Energy proposes to amend Part 205 of Chapter II, Title 10, Code of Federal Regulations to read as set forth below.

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

Hazel R. Rollins,

Administrator, Economic Regulatory Administration.

Part 205, Chapter II of Title 10, Code of Federal Regulations is amended by establishing Subpart W.

Subpart W—Electric Power System Permits and Reports

Reports of Impending Major Electric Utility System Emergencies, Customer Load Reductions and/or Significant Service Interruptions in Bulk Electric Power Supply and Actions to Minimize their Impact

Sec.

205.350 General purpose.
205.351 Definitions.
205.352 Reporting requirements.
205.353 Information to be reported.
205.354 Special investigations and reports.
205.355 Contingency planning reports.

Authority: Department of Energy Organization Act, Pub. L. No. 95–91, 91 Stat. 565 (42 U.S.C. 7101). Federal Power Act, 41 Stat. 1063 (16 U.S.C. 791)

Subpart W—Electric Power System Permits and Reports

Report of Impending Major Electric Utility System Emergencies, Customer Load Reductions, and/or Significant Service Interruptions in the Electric Power Supply, and Actions To Minimize Their Impact

§ 205.350 General purpose.

The purpose of this rule is to establish a procedure for the Economic Regulatory Administration (ERA) to collect current information regarding generation, transmission, and distribution of electric energy.

§ 205.351 Definitions.

For the purpose of this rule:

(a) The phrase "impending major electric utility system emergency" refers to the situation where a utility or other subject entity expects to be unable to provide a reliable supply of electricity to a large portion (10 percent or greater) of its customers. This may be due to a variety of reasons such as fuel supply deficiency, ordered shutdown of nuclear units, or damaged generation or transmission facilities.

(b) The phrase "customer load reduction" refers to the temporary action to reduce either the capacity or energy loads of utilities' customers. Long-term load conservation actions and the routine use of load control equipment are not considered to be a reportable customer load reduction.

(c) A "significant electric power supply interruption" is any loss of service to over 50,000 customers or the loss of over 100 megawatts of load.

(d) "Forced outage" is the state in which a facility is not capable of operation but is not in the planned outage state.

§ 205.352 Reporting requirements.

For the purpose of this rule, a report or a part of a report may be made jointly by two or more entities. Every electric utility or other subject entity engaged in the generation, transmission or distribution of electric energy shall report promptly to the DOE/ERA Electric Power Monitoring Center (EPMC) any events as described in paragraphs (a) through (i) of this section.

(a) Any decision to issue a request to any customer or a general public request for reduction in use of electricity. (ERA shall be notified within one hour after issuance of any such request if practicable, or as soon thereafter as practicable.)

(b) Any action to reduce firm customer loads by reduction of voltage for reasons of maintaining adequacy of the reporting entity's bulk electric power supply system. (ERA shall be notified within one hour after such action is taken if practicable, or as soon thereafter as practicable.)

(c) Any action to reduce firm customer load by manual switching, automatic devices, or any other means for reasons of maintaining adequacy of the reporting entity's bulk electric power supply system. (ERA shall be notified within one hour after such action is taken if practicable, or as soon thereafter as practicable.)

(d) An electric power supply facility failure, that constitutes an unusual hazard to the reporting entity's bulk electric power supply system. (ERA shall be notified within one hour of the occurrence of the event if practicable.) Examples of failures which constitute an unusual hazard to the bulk electric power system are ones which:

(1) Cause the operating area to be dependent upon significant quantities of unscheduled quantities of unscheduled imported electricity to supply area loads for greater than one hour;

(2) Cause the bulk power system to be unable to withstand a single contingency without loss of service to customers or to be unable to satisfy the applicable reliability council operating criteria;

(3) Cause a significant increased use of natural gas or distillate oil; or

(4) Are caused by a suspected act of vandalism or sabotage.

(e) Any loss in service for 15 minutes or more by the electric power supply system of an aggregate of loads totaling 100 MW or more. See § 205.353 below for a description of information to be

reported. (ERA shall be notified as soon as practicable without unduly interfering with service restoration and, in any event, within three hours after the beginning of the interruption.)

In determining the aggregate of loads which are interrupted, any load which is interrupted in accordance with the provisions of a contract permitting interruption in service shall not be included. The amount of load interrupted should be an estimate of the normal demand for those customers without service.

(f) Any widespread outage on either the bulk or distribution electric systems which affects over 50,000 customers or one half of the reporting entity's customers for more than one hour. Generally, widespread outages as a result of ice storms, hurricanes, or flooding are reportable under this provision. (ERA shall be notified within three hours of the occurrence if practicable, or as soon thereafter as practicable.)

(g) The forced outage of generating units with over 400 MW capacity for more than three days or any State, Federal or local regulatory agency ordered shutdown of any generating unit. (ERA shall be notified by the next working day after this outage.)

(h) Whenever a utility or other subject entity determines that a fuel supply emergency exists. A fuel supply emergency exists when supplies of fuels for generation are at a level which threatens projected operations or the reliability of electric service. The following factors shall be taken into account to determine whether a fuel emergency exists: (1) Fuel stock levels are 50 percent or less of normal for the particular time of the year; (2) a continued downward trend in fuel stocks is projected. Filed reports should indicate fuel stock levels considered to be a desirable minimum supply. (ERA shall be notified within three days after the determination of a fuel emergency.)

(i) In the event power system frequency declines to 59.7 hertz or lower for over 60 seconds and returns to normal operation. (ERA shall be notified within three hours after the occurrence of the event if practicable, or as soon thereafter as practicable.) The above events are to be reported to the DOE Electric Power Monitoring Center, in accordance with the current pamphlet on Reporting Procedures. This pamphlet is periodically updated and distributed to all electric utilities and other subject entities within the United States.

§ 205.353 Information to be reported.

The information supplied in the initial report should include the approximate territory affected, the time of occurrence, the duration or an estimate of the likely duration if service is still interrupted, an estimate of the number of customers and amount of load involved, and whether any known critical services such as hospitals, pumping stations, or air traffic control systems, were interrupted. To the extent known or suspected, the report is to include a description of the initial incident resulting in the disturbance. If islanding occurs, information regarding the geographical area, load, and population affected should be reported. The ERA may require further clarification during or after the period of interruption and restoration of service. Such clarifications are to be made by telephone or letter, as required.

§ 205.354 Special investigation and reports.

(a) If so directed by ERA's Director of the Division of Power Supply and Reliability, a utility or other subject entity experiencing a condition described in § 205.352 above shall submit a full report of the circumstances surrounding such occurrence and the conclusions the entity has drawn therefrom. The report shall be filed at such time subsequent to the submittal of the initial report by telephone or telegraph as may be directed by the Division of Power Supply and Reliability.

(b) The report shall be prepared in such detail as may be appropriate to the severity and complexity of the incident experienced and should include an account understandable to the general public in addition to the following technical and other information:

(1) The cause or causes of the incident clearly described, including the manner in which it was initiated.

(2) A description of any operating conditions of an unusual nature preceding the initiation of the incident.

(3) If the incident was an interruption and geographically widespread, an enumeration of the sequence of events contributing to its spread.

(4) An account of the measures taken which prevented further spreading in the loss of service, e.g., manual or automatic load shedding, unit isolation, or system sectionalization. These actions and all chronicled events should be keyed to a record of the coincident power frequencies which occurred.

(5) A description of the measures taken to restore service with particular evaluation of the availability of start-up power and the ease or difficulty of restoration.

(6) A statement of the capacity of the transmission lines into the area of load interruption, the generating capacity in operation in the area at the beginning of the disturbance, the actual loading on the generating units and, where available, the loading on the lines at that time. When actual loadings are not available, estimate the loadings at the time to the extent possible.

(7) A summary description of any equipment damage and the status of its repair.

(8) A description of the impact of any load reduction or interruption on people and industries in the affected area, including copies of articles in the printed news media which describe the impact.

(9) Information on the steps taken, being taken, or planned to prevent recurrence of conditions of a similar nature, to ease problems in service restoration, and to minimize impacts on the public and the customers in the event that a similar event occurs in the future.

(10) Additional follow-up information as requested by the Division of Power Supply and Reliability that would relate to the unique location and conditions at the time of the disturbance.

§ 205.355 Contingency planning reports.

When incidents and emergency situations occur, utilities or other subject entities may be required to continue to operate with power supply interruptions or shortages. The ERA encourages each electric utility or other subject entity to maintain contingency plans for operating in an emergency situation, for possible load reductions or curtailments, and for coordinating all such procedures with the procedures of other entities. Such plans should be in accordance with procedures or agreements reviewed or approved by appropriate State or local governmental authority. Because the contingency plans affect consumers and other utilities, and may require local, State or Federal government response, utilities and other subject entities should make their contingency plans available for review by the general public. Also, each electric utility system or other subject entity which participates in the work of a regional reliability council is requested to furnish, on a voluntary basis, such contingency plans or procedures to the ERA.

[FR Doc. 80-9291 Filed 3-26-80; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Ch. I

[Docket No. 20164; Petition Notice No. PR 80-6]

Petitions for Rule Making of Owen Aviation and Liberal Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Publication of petition for rule making; request for comments.

SUMMARY: By letter dated September 6, 1979, Owen Aviation Company petitioned the Federal Aviation Administration (FAA) to amend § 135.181 of the Federal Aviation Regulations (FAR) to allow the operation of single-engine aircraft in Instrument Flight Rule conditions. On October 16, 1979, Liberal Aircraft, Inc., petitioned for a similar amendment to § 135.181.

DATES: Comments must be received on or before May 27, 1980.

ADDRESS: Send comments on the petition in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-24), Docket No. 20164, 800 Independence Avenue S.W., Washington, D.C. 20591.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to submit such written data, views, or arguments on the petition for rule making as they desire. Communications should identify the regulatory docket number or petition notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue S.W., Washington, D.C. 20591. All communications received on or before May 27, 1980, will be considered by the Administrator before taking action on the petitions. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel will be filed in the docket.

Background Information

On September 6, 1979, and October 16, 1979, Owen Aviation and Liberal Aircraft, respectively, submitted petitions for rule making, in accordance with Part 11 of the FAR, to amend § 135.181. These petitions are published in their entirety as part of this notice.

Section 135.181 sets forth performance requirements for aircraft over-the-top operations or in IFR conditions.

The petitioners contend that this regulation is too restrictive as it pertains to single-engine aircraft.

Although this notice sets forth the contents of the petitions as received by the FAA without changes, it should be understood that publication to receive public comment is in accordance with FAA procedures governing the processing of petitions for rule making. It does not propose a regulatory rule for adoption, represent an FAA position, or otherwise commit the agency on the merits of the petition. The FAA intends to proceed to consider the petition under the applicable procedures of Part 11 and to reach a conclusion on the merits of the proposals after it has had an opportunity to carefully evaluate it in light of the comments received and other relevant matters presented. If the FAA concludes that it should initiate public rulemaking procedures on the petition, appropriate rulemaking action, including an evaluation of the proposal, will be published.

The Petition

Accordingly, the Federal Aviation Administration publishes verbatim for public comment the following petitions for rule making of Owen Aviation and Liberal Aircraft.

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

Edward P. Faberman,

Acting Assistant Chief Counsel, Regulations and Enforcement Division.

September 6, 1979.

Mr. William J. Sullivan,

Chief, Safety Regulations Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Ave., S.W., Washington, D.C.

Dear Mr. Sullivan: This is a petition which offers a rewrite of certain paragraphs in FAR Part 135 to more clearly state the limitations on the use of single engine aircraft. The regulation paragraph 135.181 is ambiguous and is not uniformly administered as to authorization for use of single engine aircraft in limited IFR conditions.

The use of single engine aircraft in air taxi operations is essential to provide passenger service from small remote airports to major airports for scheduled air carrier interchange. The single engine operator should be permitted to conduct limited IFR operations based upon reasonable safe minimums.

Safe single engine aircraft minimums as proposed in the attached material provide for a visual landing with 2 miles visibility outside of the clouds and 800 feet ceiling for adequate maneuver time to select an emergency landing field. This 800 and 2 is consistent with paragraph 135.205, VFR visibility. I do not propose nor recommend single engine aircraft IFR operations between sunset and sunrise. Single engine aircraft engines and their avionics provide adequate reliability and performance to compete favorably with multiengine aircraft for daylight IFR operations.

In order to more clearly define operating limitations I have proposed separating single engine and multiengine aircraft into two separate paragraphs. This is highly desirable to prevent misunderstandings by FSDOs, GADOs and air carrier operators. There is no need for me to reiterate the conflict in safety between existing paragraphs 135.181(a)(1) and 135.181(b)(2).

I have discussed my proposed changes to Part 135 with other operators and have found support for my proposals. A few did not agree with my night IFR restriction. We all have the same requirement to be able to takeoff visual, fly IFR enroute and letdown through clouds, fog, haze or precipitation to a visual landing. It is far safer to fly limited IFR enroute than to fly VFR enroute within 1200 AGL in a 2 mile visibility as currently authorized by 135.205.

I hope that this letter is adequate justification to initiate an NPRM immediately to change existing rules so that we single engine aircraft operators can continue to provide reliable safe passenger service. If this letter does not meet necessary petition requirements, please inform me as to what actions on my part are necessary.

Sincerely,

Jack O. Crooke,

President.

Jack O. Crooke, President, Owen Aviation Company, Inc., September 6, 1979

Recommended Change to FAR Part 135

Paragraph 135.180. Performance requirements: single engine aircraft operated over-the-top or in IFR conditions.

(a) Except as provided in paragraph (b) and (c) of this section, no person may operate a single engine aircraft carrying passengers from sunset to sunrise over-the-top or in IFR conditions.

(b) Without regard to paragraph (a) of this section a person may operate a single engine aircraft carrying passengers over-the-top in conditions allowing descent under VFR if the engine fails.

(c) Without regard to paragraph (a) of this section—

(1) If the latest weather reports or forecasts, or any combination of them, indicates that the weather along the route from takeoff to landing allows flight under VFR below the ceiling (if a ceiling exists) until one hour after ETA at destination, a person may—

(i) Takeoff from the departure airport between sunrise and sunset whenever the weather condition is not less than 800 AGL ceiling or 2 mile visibility;

(ii) Operate enroute in IFR condition between sunrise and sunset along a route from takeoff to landing allows flight under VFR below the ceiling (if a ceiling exists) if the aircraft engine fails;

(iii) Approach for landing between sunrise and sunset in IFR conditions whenever the weather condition is not less than 800 AGL ceiling or 2 miles visibility or the authorized standard approach minimum whichever is higher.

(d) Without regard to paragraph (a) of this section, if unforecast IFR conditions are encountered enroute on a flight planned to be conducted under VFR, a person may—

(i) Operate an aircraft enroute in IFR conditions if unforecast weather conditions are encountered enroute on a flight planned to be conducted under VFR; and

(ii) Make an IFR approach at destination airport if unforecast weather conditions are encountered at the airport that do not allow an approach to be completed under VFR.

Paragraph 135.181. Performance requirements: multiengine aircraft operated over-the-top or in IFR conditions.

(a) Except as provided in paragraphs (b) and (c) of this section, no person may operate a multiengine aircraft carrying passengers over-the-top or in IFR conditions at a weight that will not allow the aircraft to climb, with the critical engine inoperative, at least 50 feet per minute when operating at the MEAs of the route to be flown or 5,000 feet MSL, whichever is higher.

(b) same, no change

(c) Without regard to paragraph (a) of this section, a person may operate a multiengine aircraft over-the-top under conditions allowing descent or continuance of the flight under VFR if the critical engine fails.

Paragraph amended 135.211 VFR: over-the-top carrying passengers; operating limitations

Subject to any additional limitations in paragraph 135.180 and paragraph 135.181, no person may operate an aircraft under VFR over-the-top carrying passengers unless * * * (remainder of 135.211 no change)

Liberal Aircraft, Inc., Municipal Airport, P.O. Box 943, Liberal, Kansas 67901, October 16, 1979

To: Federal Administration, Washington, D.C. 20591

Gentlemen: Suppose you were one of our customers (or one of our pilots for that matter) and you wanted to charter one of our single engine airplanes for a trip to Podunksville, U.S.A. Would you rather fly at 600 feet above the ground (or 1,500 feet at night) and only be able to see two miles ahead and have to dodge towns and obstructions; *or* would you rather be above all obstructions and possible above the clouds in the clear? In the latter situation you would probably have someone keeping track of you on radar, also.

According to the new 135.103 and 181 you are restricting us unnecessarily to the first situation. I didn't notice these subtle changes when the NPRM came out and I'll bet a lot of others didn't either.

I suggest that FAR 135.03 be revised to allow us without a co-pilot or auto-pilot to:

1. Fly on an IFR flight plan for the whole route.
2. Take off and climb out in IFR conditions.
3. Fly enroute in IFR conditions for short flights.
4. Make an instrument approach at the destination in IFR conditions.

I suggest also that FAR 135.181 be revised to allow us to:

1. Take off and climb out in IFR conditions.
2. Fly enroute IFR (subject 103) if the buffer zone exists beneath us.
3. Make an approach in IFR conditions.

The only reason for not flying IFR or on top in these types of conditions for any distance is to be legal, because it sure isn't safer.

You could accomplish the above proposals by returning FAR 135.103 to read as the old FAR 135.75 and FAR 135.181 to read as the old FAR 135.145 except that the old FAR 135.145 b.2.ii, iii and iv should be revised to allow flight in IFR conditions enroute and delete the on top requirement before making the approach. This latter subject only to the second in command requirements.

In addition, FAR 135.105 should allow a two axis auto-pilot with heading hold as sufficient for a single engine aircraft.

Sincerely,

Larry Quattrone,

Chief Pilot.

[FR Doc. 80-8967 Filed 3-26-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-SO-2]

Designation of Reporting Point

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate Greenville, Miss., VORTAC as a low altitude reporting point. This action would require pilots on instrument flight plans, when overflying this navigation aid, to report this position without being asked to do so by air traffic control (ATC).

DATES: Comments must be received on or before April 28, 1980.

ADDRESSES: Send comments on the proposal in triplicate to:

Director, FAA Southern Region, Attention: Chief, Air Traffic Division, Docket No. 80-SO-2, P.O. Box 20636, Atlanta, Ga. 30320.

The official docket may be examined at the following location:

FAA Office of the Chief Counsel, Rules Docket (AGC-24), Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Charles R. Horne, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8525.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before April 28, 1980 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

This notice proposes to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate Greenville, Miss., VORTAC as a reporting point for low altitude air traffic. A reporting point is required at Greenville, Miss., to augment nonradar approach control procedures by requiring pilots to report the VORTAC without being asked to do so by Greenville ATC. Also, this reporting point will facilitate Memphis ARTC Center procedures in this area of limited radar coverage.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.203 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (45 FR 645) as follows:

"Greenville, Miss." is added.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec.

6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

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

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 80-8968 Filed 3-26-80; 8:45 am]

BILLING CODE 4910-13-M

[14 CFR Part 71]

[Airspace Docket No. 80-EA-11]

Proposed Designation of VOR Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate an airway (V-373) from Gordonsville, Va., to SABBI Intersection, which is east of Brooke, Va. This action would designate as an airway a route that is presently used as an arrival vector route to the Washington area thereby reducing the coordination and communication time required for its use.

DATES: Comments must be received on or before April 28, 1980.

ADDRESSES: Send comments on the proposal in triplicate to:

Director, FAA Eastern Region, Attention: Chief, Air Traffic Division, Docket No. 80-EA-11, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430

The official docket may be examined at the following location:

FAA Office of the Chief Counsel, Rules Docket (AGC-24), Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591

An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Charles R. Horne, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8525.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received on or before April 28, 1980 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C., 20591, or by calling (202) 426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) that would add a new airway numbered V-373. This airway would replace the present arrival vector route from Gordonsville via the INT of Gordonsville 065° radial to the INT of Richmond 009° and Brooke, Va., 075° radials. By designating this route as an airway it may be referred to by airway number rather than a lengthy description of intersections. This reduction in route definition would reduce the flight planning and communication time for both the pilot and the air traffic controller. Section 71.123 of Part 71 was republished in the **Federal Register** on January 2, 1980, (45 FR 307).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (45 FR 307) as follows:

Under Section 71.123,

"V-373 From Gordonsville, Va., via the Gordonsville 065° radial to the intersection of Richmond, Va., 009° and Brooke, VA., 075° radials." is added.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

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

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 80-8969 Filed 3-26-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-SO-4]

Proposed Alteration of Transition Area, Henderson, Kentucky

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: A review of the proposed Standard Instrument Approach Procedure, NDB RWY 8, revealed a need for additional controlled airspace for the final approach course. It is, therefore, necessary to alter the transition area by adding an extension to reflect this need.

DATES: Comments must be received on or before: May 15, 1980.

ADDRESS: Send comments on the proposal to: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

FOR FURTHER INFORMATION CONTACT: John W. Schassar, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: 404-763-7646.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Federal Aviation Administration, Attention: Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. All communications received on or before May 15, 1980, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public, regulatory docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Henderson, Kentucky, transition area. The proposed NDB RWY 8 Standard Instrument Approach Procedure at the Henderson City County Airport allows aircraft to descend from 1,500 feet AGL at 11 miles from the airport. It is necessary to designate a transition area extension in order to provide the required airspace protection for aircraft executing the approach procedure. If the proposed alteration is acceptable, a nonfederal nondirectional beacon will be established to serve the Henderson City County Airport.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Subpart G, § 71.181 (45 FR 445), of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by adding the following:

Henderson, Ky.

"* * * within three miles each side of the 267° bearing from the Geneva RBN (latitude 37°48'13"N., longitude 87°46'14"W.) from the 5.5-mile radius area to 8.5 miles west of the RBN * * *

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

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

Issued in East Point, Ga., on March 14, 1980.

Louis J. Cardinali,

Director, Southern Region.

[FR Doc. 80-9168 Filed 3-26-80; 8:45 am]

BILLING CODE 4910-13-M

CIVIL AERONAUTICS BOARD

14 CFR Part 323

[PDR-70; Docket No. 37905; Dated: March 20, 1980]

Schedule Listings and Delays in Discontinuing Service

AGENCY: Civil Aeronautics Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: The CAB is proposing, on its own initiative, two amendments to its regulations that require carriers to provide notice before discontinuing certain types of air service. First, carriers would have to maintain all generally-distributed schedule listings of flights for which notice had been filed, until discontinuance is permitted by the Board. Second, carriers would have to discontinue service within 60 days after the intended date stated in the notice (unless required to serve longer by the Board) or else file a new notice of discontinuance.

DATES: Comments by: May 27, 1980.

Comments and other relevant information received after this date will be considered by the Board only to the extent practicable.

Requests to be put on the Service List by:

The Docket Section prepares the Service List and sends it to the persons listed on it, who then serve their comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 37905, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428 as soon as they are received.

FOR FURTHER INFORMATION:

Mark Frisbie, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; (202) 673–5442.

SUPPLEMENTARY INFORMATION:

Air carriers are required by sections 401(j) and 419 of the Federal Aviation Act and by Part 323 of the Board's regulations to provide advance notice before they discontinue certain service in a market. If the discontinuance threatens to reduce service below what is considered to be the essential level, the Board may require the carrier to continue service until a replacement is found.

In this proceeding, the Board is making two proposals related to those requirements. The first is to require carriers to continue to list schedules for flights that they intend to discontinue, until the Board has decided not to require them to maintain service. The second is to require a carrier that does not implement a discontinuance within 60 days of the date stated in its notice, or 60 days after the Board permits it to discontinue service, whichever is later, to file a fresh notice before any later discontinuance.

These proposals are intended to solve problems that have already arisen and may arise again in administering the advance notice requirements. A requirement that a carrier continue to list flights until the Board has acted on a notice to discontinue service would insure the public of schedule information in the event that the Board required the carrier to maintain service beyond the intended termination date. Listings would have to be continued in the generally-distributed schedule publication that listed the flight before the notice was filed. The Official Airline Guide (OAG) and the carrier's own timetables are examples of such publications. In a recent case, a carrier filed a notice to discontinue service in a market, and withdrew its OAG filing as of the intended termination date. When the Board required the carrier to maintain service past the intended termination date, the flights were not listed in the OAG. While carriers are not

required to publish their schedules in any prescribed manner, the great reliance placed by the public on schedule publications makes it reasonable to require carriers to maintain their schedule listings, as well as actual service, until the service may legally be discontinued. Listings may contain a note of the intended termination date with a caveat that it is subject to governmental approval. If a flight was not listed before the notice was filed, the proposed listing requirement would not apply.

We would also require a carrier that does not discontinue service within a reasonable time after its stated termination date, unless the Board requires extended service, to file a fresh notice. The carrier would then have to continue service for the new notice period while the Board, if necessary, reevaluated the effect of the discontinuance on essential service. This provision would serve two purposes. First, it would enable the Board and other carriers to keep abreast of "real" levels of service in a market in determining notice requirements and essential service needs. Under Part 323, air transportation that has been the subject of a notice cannot be considered in operation for the purposes of ascertaining other carriers'; notice requirements during the pendency of the notice period. This protection should not extend indefinitely. If a carrier continues to serve a market long past its stated termination date, other carriers should not be inhibited from leaving merely because the first carrier filed an early notice. After a time the notice, and decisions based on it, become stale, and a new notice should be filed.

The second purpose of the proposal is to protect the public's ability to rely on notices in planning for changes in service. After a period of time, the public will tend to rely on service that is continued in spite of a notice of discontinuance, and a sudden cessation of that service could be unduly disruptive. A new notice would keep the public up to date on the service intentions of carriers in their community. We have tentatively decided that 60 days after the stated date of termination is a reasonable interval for carriers to carry out their plans. Longer delays would require the filing of a new notice. Carriers would be subject to the same procedures under the new notice as they would have if the first notice had not been filed.

We base our actions here on our general rulemaking authority in section 204(a), as we use it to carry out the purposes of sections 401(j) and 419. The Supreme Court, in *Mourning* v. *Family Publications Service*, 411 U.S. 356, 369 (1973), has said:

> Where the empowering provision of a statute states simply that the agency may "make * * * such rules and regulations as may be necessary to carry out the provisions of this Act," we have held that the validity of a regulation promulgated thereunder will be sustained so long as it is "reasonably related to the purposes of the enabling legislation." [footnotes and citations omitted].

Section 204(a) of the Federal Aviation Act is such a provision. Clearly, public notice is an important component of providing air transportation services. We do not prescribe the form publicity must take, or even that it must be provided at all, but when it has been provided all along by a carrier, it is reasonable to require it to continue if the Board forces continuation of the air service itself. Otherwise the Board's legitimate objective of assuring essential service could be frustrated. Similarly, requiring carriers to perform their stated intentions within 60 days is reasonable, since the informational value of notices could be impaired by delay in implementation. We therefore consider the proposed rule necessary to carry out the provisions of the Act.

In addition, we view the actions sought to be prevented by this rulemaking as potential unfair or deceptive practices under section 411 of the Act, and we base our actions on that section as well.

Accordingly, the Civil Aeronautics Board proposes to amend 14 CFR Part 323, *Terminations, suspensions, and reductions of service*, as follows:

1. The table of contents would be amended by adding two new sections, to read:

Sec.

* * * * *

323.16 Listings in schedule publications.
323.17 Delays in discontinuing service.

2. Two new sections would be added to read:

§ 323.16 Listings in schedule publications.

Each carrier filing a notice under this part shall continue to list the affected flights in all generally-distributed schedule publications in which the flight was listed before the notice. The listings shall continue until the Board permits the flights to be discontinued. The listings may include a notice stating that the flights are "to be discontinued as of [*date*] subject to government approval."

§ 323.17 Delays in discontinuing service.

If air transportation that is the subject of a notice under this part is not discontinued within 60 days of the intended date stated in the notice, a new notice must be filed before the service may be discontinued. However, if the Board requires the carrier to provide service beyond the stated date, the carrier need not file a new notice if it discontinues the service within 60 days after the Board permits it to do so.

(Secs. 204, 401, 411, 419, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 92 Stat. 1710, 72 Stat. 769, 92 Stat. 1732 (49 U.S.C. 1324, 1371, 1381, 1389))

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-9256 Filed 3-26-80; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

20 CFR Part 404

Federal Old-Age, Survivors, and Disability Insurance; Provision for Payment of Benefits to Young Husbands and Surviving Divorced Fathers

AGENCY: Social Security Administration, HEW.

ACTION: Notice of proposal to amend regulations.

SUMMARY: The Social Security Administration plans to publish proposed regulations which provide benefits to young husbands of entitled workers who have in their care a child entitled to benefits on the worker's earnings record. We also plan to publish proposed regulations which provide for benefits to surviving divorced husbands of entitled workers who have in their care their natural or adopted child entitled to benefits on the worker's earnings record.

On December 29, 1978, the District Court for the Eastern District of Pennsylvania held in *Cooper* v. *Califano* that sections 202(b)(1) and 202(c)(1) of the Social Security Act, taken together, unconstitutionally deny husband's benefits solely on the basis of gender. Section 202(b)(1)(B) provides benefits for a wife under 62 who has in her care a child entitled to child's benefits on the worker's earnings record; section 202(c) provides no comparable benefits for young husbands.

On January 26, 1979, the District Court for the Western District of Kentucky held in *Yates* v. *Califano* that the Act unconstitutionally denies benefits to a surviving divorced father. Section 202(g)(1)(F) of the Act provides benefits to a surviving divorced wife who has in

her care her natural or adopted child entitled to child's benefits on the worker's earnings record; the Act provides no comparable benefits for surviving divorced fathers.

Regulations to implement these two decisions on a nationwide basis effective with the months of the respective court decisions are being proposed. The Department of Health, Education, and Welfare has classified the proposed regulations as policy significant.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Houseknecht, 1115 West High Rise Building, 6401 Security Boulevard, Baltimore, Maryland, 21235, telephone (301) 594–2658.

Dated: March 3, 1980.

William J. Driver,

Commissioner of Social Security.

[FR Doc. 80-9294 Filed 3-26-80; 8:45 am]

BILLING CODE 4110-07-M

POSTAL SERVICE

39 CFR Part 111

Poisons and Controlled Substances—Nonmailability—Revision of Regulations

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: This proposal would amend regulations concerning the mailing of poisons, poisonous drugs and medicines, and controlled substances to reflect current administrative practices and eliminate ambiguity which might lead to mailings not permitted by statute.

DATE: Comments must be received on or before April 28, 1980.

ADDRESS: Written comments should be sent or delivered to the Assistant General Counsel, Consumer Protection Division, Law Department, Room 9014, 475 L'Enfant Plaza West, S.W., Washington, D.C. 20260. Copies of all written comments received will be available for public inspection and photocopying between 9:00 AM and 4:00 PM, Monday through Friday, at the above location.

FOR FURTHER INFORMATION CONTACT: George C. Davis (202) 245–4385.

SUPPLEMENTARY INFORMATION: In recent years several States have established or have considered establishing programs to evaluate the efficacy of certain "controlled substances," as defined in the *Comprehensive Drug Abuse Prevention and Control Act of 1970*, 21 U.S.C. 801 (P.L. 91–513), in the treatment of disease.

Reflection has led us to conclude that our present regulation regarding the mailing of controlled substances may be phrased too broadly and may mislead the public as to the scope of permissible mailings of such substances under 18 U.S.C. 1716. Under 18 U.S.C. 1716(d) and (e), the Postal Service may permit mailings of dangerous medicinal substances limited to mailings between specified categories of senders and receivers, such as among manufacturers, dealers, and government officials. In addition, under 18 U.S.C. 1716(b), the Postal Service could permit the mailing, under such preparation and packing rules as it may prescribe, of poisonous or injurious articles which are not outwardly or of their own force dangerous or injurious to life, health, or property, without restriction as to sender or receiver. Nothing in section 1716 or other law seems to authorize the Postal Service to pick and choose who should be permitted to send or receive mailings of these substances, if we do not extend those privileges to everyone.[1] A general permission for mailers to send or receive these substances would not be in the public interest, in our opinion, as it might facilitate the abuse of controlled substances, frustrate the efforts of other agencies to control drug abuse, and encourage depredation of the mails. Accordingly, the proposal would modify present DMM section 124.5 to designate as authorized mailings of controlled substances only mailings between persons within the categories established by the statute.

In addition to the foregoing change, certain revisions are being proposed without intending substantive change. Foremost of these are the following:

1. Revised DMM section 124.51b would specifically incorporate the classification system for toxic substances developed by the Department of Transportation for its regulations concerning the interstate transportation of such substances (49 CFR 173.325 *et seq.*). This would codify current Postal Service practice.

2. The DMM provisions dealing with poisons and those dealing with controlled substances would be combined.

Thus, section 124.211d and 124.27 would be placed in sections 124.211a and 124.5, respectively. This treatment is consistent with the fact that 18 U.S.C. 1716 is intended to apply both to substances like strychnine or arsenic which are used as poisons and to controlled substances which can be injurious because they have mind-affecting, habit-forming or other harmful properties. (*Bruce* v. *United States*, 202 F. 98 (8th cir. 1912); see also H.R. Rep. No. 662, 66th Cong., 2d Sess. 1–2 (1920); S. Rep. No. 523, 66th Cong., 2d Sess. 1–3 (1920); 59 Cong. Rec. 5,212–5,213, 6,452–6,453, 7,230–7,231 (1920); (H.R. Rep. No. 1288, 70th Cong., 1st Sess. 1–2 (1928); S. Rep. No. 992, 90th Cong., 1st Sess. (1928)).

In addition, present DMM section 124.55, dealing with exempt shipments of small quantities of unknown matter suspected of containing controlled substances, is being renumbered 124.54 and retained with editorial revisions.

Although exempt from the requirements of the Administrative Procedure Act (5 U.S.C. 553(b), (c) regarding proposed rulemaking by 39 U.S.C 410(a), the Postal Service invites public comments on the following proposed amendments of the Domestic Mail Manual, which is incorporated by reference in the **Federal Register** at 39 CFR 111.1:

Part 124—Nonmailable Matter—Articles and Substances; Special Mailing Rules

1. In 124.2 delete .211d and redesignate .211e as .211d; delete and reserve .27; and amend .211a to read as follows:

124.2 Harmful Matter (18 U.S.C. 1716)

.21 General

.211 * * *

a. All kinds of poison including controlled substances (see 124.5)

2. Amend 124.5 to read as follows:

124.5 Poisons and Controlled Substances (18 U.S.C. 1716; 21 U.S.C. 801, et seq.)

.51 Definitions

.511 Poisons

a. For the purposes of these regulations, a poison or a material which may kill or injure within the intent and meaning of 18 U.S.C. 1716 is any highly toxic substance or a controlled substance.

b. All substances designated as Class A poisons for the purposes of 49 C.F.R. 173.325 *et seq.* are nonmailable. Substances designated as Class B poisons for the purposes of 49 C.F.R. 173.325 *et seq.* are mailable under the conditions specified in 124.531.

.512 Controlled Substances

A controlled substance is any narcotic, hallucinogenic, stimulant, or depressant drug in Schedules I through V of the *Comprehensive Drug Abuse Prevention and Controlled Act of 1970* (Public Law 91–513), 21 U.S.C. 801, *et seq.*, and the regulations thereunder, 21

[1] *Bruce* v. *United States*, 202 F. 98 (8th Cir. 1912).

C.F.R. 1300, *et seq.* Controlled substances are "poisons," "compositions containing poisons," "poisonous drugs and medicines," or materials which may kill or injure" within the intent and meaning of 18 U.S.C. 1716.

.52 Not Mailable

Except under the conditions specified in this section, poisons, and controlled substances, are nonmailable matter and must not be conveyed in the mails or delivered from any post office or station thereof nor by any letter carrier.

.53 Exceptions and Mailing Requirements

.531 Authorized Mailings: Poisons and Controlled Substances

a. Poisonous drugs and medicines, including those containing a controlled substance, are mailable only from the manufacturer thereof or dealer therein to licensed physicians, surgeons, dentists, pharmacists, druggists, cosmetologists, barbers, and veterinarians.

b. Poisons, including controlled substances, which are intended for scientific use and which are not outwardly dangerous or of their own force dangerous or injurious to life, health or property, may be transmitted in the mails *only* between the manufacturers thereof, dealers therein, bona fide research or experimental scientific laboratories, and such other persons who are employees of the Federal, State, or local government, whose official duties are comprised, in whole or in part, of the use of such poisons, and who are designated by the head of the agency in which they are employed to receive or send such articles.

.532 Particular Requirements: Controlled Substances

a. Matter containing a controlled substance may be mailed in accordance with .531a and .531b only when prepared and packed in accordance with .532c, d, and e.

b. Nothing in this subsection may be deemed to authorize the shipment by mail of controlled substances in violation of the Controlled Substances Act and regulations thereunder. Use of the mails to violate the Controlled Substances Act is a crime. See 21 U.S.C. § 843(b).

c. The inner container of any parcel containing controlled substances must be marked and sealed in accordance with the applicable provisions of the Controlled Substances Act, 21 U.S.C. 801 *et seq.*, and the regulations promulgated thereunder, 21 C.F.R. 1300 *et seq.*

d. Every parcel containing controlled substances must be placed in a plain outer container or securely overwrapped in plain paper.

e. No markings of any kind which would indicate the nature of the contents may be placed on the outside wrapper or container of any parcel containing controlled substances.

.54 Exempt Mailings

Nothing in this section precludes the mailing of small quantities of unknown matter suspected of containing controlled substances to a Federal, State or local law enforcement agency for law enforcement purposes. However, such mailings must comply with 124.532d and e.

.55 Violations

Information concerning possible violations of this section must be reported to the Inspection Service.

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published if the proposal is adopted.

(39 U.S.C. 401(2), 18 U.S.C. 1716)

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 80-9346 Filed 3-26-80; 8:45]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1448-4]

California Plan Revision: Imperial County Air Pollution Control District and Southeast Desert Air Basin Portion of the Riverside, Los Angeles, and San Bernardino County Air Pollution Control Districts

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: Revisions to the Imperial County Air Pollution Control District's (APCD's) Regulation VI, "Emergency Regulations", and the Southeast Desert Air Basin portion of the Riverside, Los Angeles, and San Bernardino County APCDs' Regulation VII, "Emergencies," have been submitted to the Environmental Protection Agency (EPA) by the California Air Resources Board (ARB) for the purpose of revising the California State Implementation Plan (SIP). The intended effect of these revisions is to provide an emergency episode contingency plan in accordance with 40 CFR 51.16, to prevent ambient air pollutant concentrations from reaching levels which could cause significant harm to public health and to abate such concentrations should they occur. The purpose of this rulemaking is to approve part of the SIP revisions, to take no action on part of the revisions, and to propose replacement regulations to correct deficiencies in the revised episode plans. EPA does not intend to hold a public hearing unless one is requested, and EPA invites written public comments concerning this proposed rulemaking.

DATES: Comments or requests for a public hearing may be submitted up to April 28, 1980.

ADDRESSES: Comments or requests for a public hearing may be sent to: Regional Administrator, Attn: Air & Hazardous Materials Division, Air Technical Branch, Regulatory Section (A-4-2), Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105.

The EPA has established a rulemaking Docket 9A-79-7, which contains all the information on which the proposed rulemaking relies. Docket 9A-79-7, "Air Pollution Emergency Episode Plans," is available for public inspection during normal business hours at the EPA Region IX Office at the above address and at the EPA Central Docket Section at the following address: EPA Central Docket Section, Waterside Mall, Room 2903 B, 401 "M" Street, S.W., Washington, DC 20460.

Copies of the proposed revisions and EPA's "Evaluation Report and Technical Support Document" for the appropriate agency's episode plan are also available for public inspection during normal business hours at the following locations:

South Coast Air Quality Management District, 9150 East Flair Drive, El Monte, CA 91731

Imperial County Air Pollution Control District, 940 W. Main Street, El Centro, CA 92227

California Air Resources Board, 1102 "Q" Street, Sacramento, CA 95814

Public Information Reference Unit, Room 2404 (EPA Library), 401 "M" Street, S.W., Washington, D.C. 20460

FOR FURTHER INFORMATION CONTACT: Rodney L. Cummins, Chief, Technical Analysis Section, Air Technical Branch, Air and Hazardous Materials Division, Environmental Protection Agency, Region IX, (415) 556-2002.

SUPPLEMENTARY INFORMATION:

Background

The ARB submitted Rules 601-614 on November 4, 1977 to EPA for the Imperial County APCD and Rules 701-715 on June 6, 1977 for the Southeast Desert Air Basin portion of the

Riverside, Los Angeles, and San Bernardino County APCDs. Revisions to Rule 701 for the Riverside County APCD and Rules 701, 702, 712, and 715 for the San Bernardino County APCD were submitted on November 4, 1977.

Under section 110(a) of the Clean Air Act and 40 CFR 51.16, SIPs are required to contain air pollution emergency episode contingency plans. The original SIP and subsequent revisions submitted by the State of California failed to meet the requirements specified in 40 CFR 51.16. As a result, the California Lung Association and others commenced a citizens' suit in March of 1975 against EPA and the ARB requesting the U.S. District Court for the Central District of California to order EPA to promulgate and enforce an emergency episode plan for the South Coast Air Basin (SCAB) of California (*California Lung Association et al.* v. *Train*, Civil No. 75–1044–WPG).

EPA lost the Court suit and a Joint Stipulation of Settlement was signed on December 5, 1977 by counsels for the Administrator and for the California Lung Association, which stated that EPA would review the emergency episode regulations of 42 APCDs in the State of California, approving or promulgating regulations as necessary.

In August 1979, counsels for the Administrator and for the California Lung Association signed a Stipulation for Modification of Joint Stipulation of Settlement and Order Modifying Findings of Fact and Conclusions of Law, which stated that EPA would have to review regulations for only 12 APCDs. This proposed rulemaking and its associated documents satisfy in part the Settlement between EPA and the California Lung Association. (For a more detailed description of the litigation, see 44 FR 30118.)

Description of Proposed Revisions

The episode regulations submitted to EPA establish procedures to be taken by industry, commerce, business, government and the public to prevent ambient pollutant concentrations from reaching levels which could cause significant harm to public health. For example, if it is determined that an episode stage specified in the regulations is predicted to be attained, is being attained, or has been attained; then that episode stage will be declared, the appropriate persons notified and abatement actions for that particular stage will be implemented. The abatement actions are designed to reduce the pollutant level to the next lower stage or level and to prevent pollutant concentrations from reaching levels which could cause significant harm to public health. To accomplish this, the abatement actions become more stringent as an episode is predicted to progress, or progresses from one stage to the next.

EPA's Proposed Actions

EPA evaluated each District's regulation by comparing it to 40 CFR 51.16, which sets forth the minimum requirements for an episode plan. In addition to this evaluation, EPA contracted with Engineering-Science, Inc., to complete a technical evaluation of the ambient data, emissions inventories and potential abatement strategies for each District. Both of these evaluations are presented in an "Evaluation Report and Technical Support Document," which is available for public inspection at the addresses above.

As a result of these evaluations, EPA determined that the episode regulations of the Imperial County APCD and Southeast Desert Air Basin portion of the Riverside, Los Angeles and San Bernardino County APCDs meet the requirements of 40 CFR 51.16, except for minor deficiencies. EPA is therefore proposing to approve the Districts' regulations and is proposing to promulgate replacement regulations to correct the deficiencies.

The rules that EPA is proposing to approve for inclusion into the California SIP are:

Imperial County APCD:

Rule 601, General
Rule 602, Episode Criteria Levels
Rule 603, Episode Stages
Rule 604, Divisions of Responsibility for Abatement Action
Rule 605, Administration of Emergency Program
Rule 606, Advisory of High Air Pollution Potential
Rule 607, Declaration of Episode
Rule 608, Episode Action Stage 1
Rule 609, Episode Action Stage 2
Rule 610, Episode Action Stage 3
Rule 611, Episode Termination
Rule 612, Stationary Source Curtailment
Rule 613, Episode Abatement Plan
Rule 614, Enforcement

Southeast Desert Air Basin portion of the Riverside, Los Angeles, and San Bernardino County APCDs:

Rule 701, General
Rule 702, Air Monitoring Stations
Rule 703, Air Monitoring Summaries
Rule 704, Episode Criteria
Rule 705, Episode Notification
Rule 706, Episode Declaration
Rule 707, Plans
Rule 708, Radio Communication System
Rule 709, First Stage Episode Action
Rule 710, Second Stage Episode Actions
Rule 711, Third Stage Episode Actions
Rule 712, Inter-District Coordination
Rule 713, Enforcement
Rule 714, Termination of Episodes
Rule 715, Scientific Advisory Committee (Advisory Council for the San Bernardino County APCD)

A discussion of the deficiencies and EPA's proposed replacement regulations is presented below.

Rule 602, Episode Criteria Levels, of the Imperial County APCD and Rule 704, Episode Criteria, of the Southeast Desert Air Basin portion of the Riverside, Los Angeles, and San Bernardino County APCDs do not contain criteria levels for particulate matter. To correct this deficiency, EPA is proposing to supplement Rule 602 and Rule 704 with 24-hour particulate matter episode criteria levels.

Rule 612, Stationary Source Curtailment, of the Imperial County APCD and Rule 707, Plans, of the Southeast Desert Air Basin portion of the Riverside, Los Angeles and San Bernardino County APCDs do not provide a time schedule for the Air Pollution Control Officers to initiate the call for the submittal of stationary source curtailment plans from major stationary sources, or a time schedule for the review of such plans. In addition, these rules do not specify adequate requirements for the contents of such plans. To correct these deficiencies, EPA is proposing regulations that call for the submittal and review of stationary source curtailment plans within a specified time frame.

EPA amended the requirements for emergency episode contingency plans on March 20, 1979 (44 FR 16911). Under these amendments, episode plans for nonurban areas are not required to contain any emission control actions other than major stationary sources curtailment. These amendments are intended to be used in those Priority I areas which are characterized by relatively few emission sources and by low population densities. Both of these characteristics apply to the Southeast Desert Air Basin. Therefore, EPA has determined that the episode plans for the Imperial County APCD and Southeast Desert Air Basin portion of the Riverside, Los Angeles and San Bernardino County APCDs are approvable with respect to the requirements for emission control actions, with the exception of actions involving stationary source curtailment.

EPA is taking no action on those portions of the regulations that refer to carbon monoxide and sulfur dioxide. The Southeast Desert Air Basin is classified as Priority III (40 CFR 52.221) for these pollutants and 40 CFR 51.16 requirements pertain only to areas designated Priority I or II.

Public Comments

Under section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the regulations submitted as revisions to the SIP. The Regional Administrator hereby issues this notice setting forth these revisions including rule deletions caused thereby, as proposed rulemaking and advises the public that interested persons may participate by submitting written comments to the Region IX Office. Additionally, anyone wishing to request a public hearing may do so by writing EPA at the Region IX office. Comments received on or before 30 days after publication of this notice will be considered. Comments received will be available for public inspection in the EPA Region IX Office and the EPA Central Docket Section.

The Administrator's decision to approve, disapprove, or promulgate replacement regulations for the proposed revisions will be based on the comments received and on a determination of whether the amendments meet the requirements of section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of State Implementation Plans.

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

Dated: March 17, 1980.

Paul De Falco, Jr.,

Regional Administrator.

Proposed Rulemaking

It is proposed to amend Part 52 of Chapter I, Title 40, of the Code of Federal Regulations as follows:

Subpart F—California

1. Section 52.220 is amended by adding paragraphs (c)(39)(ii)(E), (c)(39)(iii)(E), (c)(39)(iv)(E), (c)(42)(i)(C), (c)(42)(xiii)(C), and (c)(42)(xiv)(B) as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(39) * * *

(ii) * * *

(E) Rules 703, 704 (except those portions that pertain to the criteria levels for carbon monoxide and sulfur dioxide) 705, 706, 707, 708, 709, 710, 711, 713, and 714.

* * * * *

(iii) * * *

(E) Rules 701, 702, 703, 704 (except those portions that pertain to the criteria levels for carbon monoxide and sulfur dioxide) 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, and 715.

* * * * *

(iv) * * *

(E) Rules 702, 703, 704 (except those portions that pertain to the criteria levels for carbon monoxide and sulfur dioxide), 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, and 715.

* * * * *

(42) * * *

(i) * * *

(C) Rules 601, 602 (except those portions that pertain to the criteria levels for carbon monoxide and sulfur dioxide), 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, and 614.

* * * * *

(xiii) * * *

(C) Rules 701, 702, 712, and 715.

* * * * *

(xiv) * * *

(B) Rule 701.

* * * * *

2. Section 52.274 is amended by adding paragraphs (a)(10), (a)(11), (a)(12), (a)(13), (x), and (y) as follows:

§ 52.274 California air pollution emergency plan.

(a) * * *

(10) Los Angeles County Air Pollution Control District.

(11) Riverside County Air Pollution Control District.

(12) San Bernardino County Desert Air Pollution Control District.

(13) Imperial County Air Pollution Control District.

* * * * *

(x) The requirements of this chapter are met in the Los Angeles, San Bernardino, Riverside and Imperial County Air Pollution Control Districts with the following exceptions: (1) There is no time schedule to initiate the call for the submittal or the review of individual abatement plans from major stationary sources, as defined by section 169(1) of the Act; (2) the requirements for the content of the stationary source curtailment plans are not sufficiently specific to ensure that adequate plans are submitted; and (3) there are no episode criteria levels for particulate matter.

(y) *Regulation for prevention of air pollution emergency episodes—requirements for stationary source curtailment plans and particulate matter episodes.*

(1) The requirements of this paragraph are applicable in the Los Angeles County, Riverside County, San Bernardino County Desert and Imperial County Air Pollution Control Districts.

(2) For the purposes of this regulation, the following definitions apply:

(i) "Administrator" means the Administrator of the Environmental Protection Agency or an authorized representative.

(ii) "$\mu g/m^3$" means micrograms per cubic meter.

(iii) "Major national holiday" means a holiday such as Christmas or New Years Day.

(3) Stationary source curtailment plans shall be prepared by major stationary sources, as defined by section 169(1) of the Act:

(i) The plans required by this paragraph shall include the following information:

(A) The information requested in the California Air Resources Board's Criteria For Approval of Air Pollution Emergency Abatement Plans (Executive Order G–63).

(B) The total number of employees at the facility during each work shift on a normal weekday and on a major national holiday.

(C) The amount of energy (gas, fuel oil, and electricity) used on a normal weekday and on a major national holiday.

(D) For first-stage episodes:

(*1*) The measures to voluntarily curtail equipment emitting air pollutants.

(E) For second-stage episodes:

(*1*) The measures to curtail as much as possible, equipment operations that emit air pollutants specific to the type of episode and in the case of oxidant episodes, the equipment operations that emit hydrocarbons and nitrogen oxides.

(*2*) The measures to postpone operations which can be postponed until after the episode.

(F) For third-stage episodes:

(*1*) A list of equipment, with permit numbers if applicable, which can be shut down without jeopardizing the public health or safety, and an estimate of the resultant reductions in hydrocarbons, nitrogen oxides, and particulate matter emissions.

(*2*) A list of all equipment, with permit numbers if applicable, which must be operated to protect the public health or safety, and an estimate of the hydrocarbons, nitrogen oxides and particulate matter emissions from such equipment.

(4) A copy of the stationary source curtailment plan approved in accordance with the provisions of this paragraph shall be on file and readily available on the premises to any person authorized to enforce the provisions of this paragraph.

(5) The owner or operator of any governmental, business, commercial, or industrial activity or facility listed in subparagraph (3) of this paragraph shall submit a stationary source curtailment

plan to the Administrator within 60 days after promulgation of final rulemaking.

(6) The plans submitted pursuant to the requirements of this paragraph shall be reviewed by the Administrator within 90 days.

(7) The owner or operator of any major stationary source required to submit a plan by this paragraph shall be notified by the Administrator or his authorized representative within 30 days after the plan has been evaluated as to whether the plan has been approved or disapproved. Any plan disapproved by the Administrator shall be modified to overcome the disapproval and resubmitted to the Administrator within 30 days of receipt of the notice of disapproval.

(8) All submittals or notifications required to be submitted to the Administrator by this regulation shall be sent to: Regional Administrator, Attn: Air and Hazardous Materials Division, Air Technical Branch, Technical Analysis Section (A–4–3), Environmental Protection Agency, 215 Fremont Street, San Francisco CA 94105.

(9) Any source that violates any requirement of this regulation shall be subject to enforcement action under section 113 of the Act.

(10) For the purposes of this regulation the following episode criteria shall apply to particulate matter episodes:

Pollutant	Averaging time (hours)	Stage 1	Stage 2	Stage 3
Particulate matter.	24	[1]375	[1]625	[1]875

[1] ug/m³.

[FR Doc. 80-9339 Filed 3-26-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 52

[FRL 1448-5]

Availability of Implementation Plan Revisions for Nonattainment Areas in the State of Indiana

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

ACTION: Notice of receipt and availability.

SUMMARY: This Notice announces the receipt of proposed revisions to the Indiana State Implementation Plan to meet Part D requirements of the Clean Air Act (Act). These revisions consist of a revised APC–15, Stationary Source Hydrocarbon Regulations, a Vigo County S02 Strategy (Appendix to APC–13), a redesignation request to change Vanderburgh County's ozone status to attainment/unclassifiable (APC–22), and a Marion County TSP strategy (Appendix to APC–23). These proposed revisions are available for public review at the offices listed below.

The State of Indiana submitted the above mentioned revised regulations to the USEPA on February 11, 1980.

The purpose of these revisions, as required by the Act, is to implement new measures for controlling air pollution and to demonstrate that these measures will provide for attainment of the primary National Ambient Air Quality Standards (NAAQS) as expeditiously as practicable, but no later than December 31, 1982. Under certain conditions extensions to not later than December 31, 1987, may be granted for attaining the primary standards for CO and 03. A notice of Proposed Rulemaking describing these revisions and the USEPA's rulemaking action will be published in the **Federal Register** at a later date.

DATES: See Supplementary Information.

ADDRESSES: The Indiana submittal may be examined during normal business hours at the following addresses:

Public Information Reference Unit, Library Systems Branch, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460

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

Indiana Air Pollution Control Division, Indiana State Board of Health Building, 1330 West Michigan, Indianapolis, Indiana 46206

Written comments should be sent to: Gary Gulezian, 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: Robert Miller, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604 (312) 886–6031.

SUPPLEMENTARY INFORMATION: On March 3, 1978 (43 FR 8962) and on October 5, 1978 (43 FR 45994), USEPA designated areas in each State as nonattainment with respect to the criteria air pollutants pursuant to the requirements of the Clean Air Act. Part D of the Clean Air Act requires each State to revise its SIP to meet specific requirements in these nonattainment areas. These revisions to the SIP must demonstrate attainment of the primary NAAQS for TSP, S02, and NOx as expeditiously as practicable, but not later than December 31, 1982. Under certain conditions, extensions may be granted for meeting the primary NAAQS for CO and 03.

On February 11, 1980, the Technical Secretary of the Indiana Air Pollution Control Board submitted to USEPA a proposed SIP revision for Indiana to address Part D requirements of the Clean Air Act. USEPA is currently reviewing the February 11, 1980, submittal. At the completion of this review, a notice will be published in the **Federal Register** proposing rulemaking action on the proposed revisions.

All interested persons are advised that the proposed revisions are available for review at the locations listed above. The proposed rulemaking notice referred to above will announce the last day for public comment.

This public comment period will extend for not less than 30 days from the date of publication in the **Federal Register** of USEPA's proposed rulemaking action.

Dated: March 17, 1980.

John McGuire,

Regional Administrator.

[FR Doc. 80-9340 Filed 3-26-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 180

[PP 9E2258/P127; FRL 1447-5]

Proposed Exemption From the Requirement of a Tolerance for the Pesticide Chemical Sulfur Dioxide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes an exemption from the requirement of a tolerance for residues of sulfur dioxide on corn grain for feed only. The proposal was submitted by the United States Department of Agriculture.

DATE: Comments must be received on or before April 28, 1980.

ADDRESS: Send comments to: Mr. Henry Jacoby, Product Manager (PM), Office of Pesticide Programs, Registration Division (TS–767), Environmental Protection Agency, 401 M St., SW., Washington, DC, 20460.

FOR FURTHER INFORMATION CONTACT: Mr. Henry Jacoby, (202–755–2562).

SUPPLEMENTARY INFORMATION: The United States Department of Agriculture, Agricultural Research, Science and Education Administration, North Central Region, Northern Regional Research Center, Peoria, IL 61604, has submitted a pesticide petition (PP 9E2258) to the EPA. This petition requests that the Administrator propose that 40 CFR 180.1013 be amended by

establishing an exemption from the requirement of a tolerance for residues of the fumigant sulfur dioxide used for fungus control in ambient temperature drying of corn grain for feed use only.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed exemption from the requirement of a tolerance included several references to human-feeding studies. Sulfur dioxide as a fungicide is one of the most extensively used food additives and has been used on a wide variety of food products including fruits, vegetables, meat, fish, and alcoholic beverages with no adverse effects. The extensive human feeding of sulfated foods that occurred during World War II, which accelerated the use of sulfur dioxide in food products, failed to show any toxicological effects. A scientific status summary, by the Institute of Food Technologists, references the low toxicity of sulfur dioxide. Average solid sulfite consumption in the United States is approximately 2 milligrams (mg)/day while the acceptable daily intake (ADI) of sulfites as established by the United Nations Food & Agricultural Organization/World Health Organization is 0.70 mg of sulfur dioxide equivalent/kilogram (kg) of body weight (bw), which is equivalent to 50 mg/kg/day of sulfur dioxide for a 70-kg (155-pound) person. Sulfur dioxide is thus harmless when used in such doses, and toxic reactions in humans occur only when doses above the amount the body is capable of metabolizing (4 to 6 grams) are taken. The toxic dose is seldom reached since a dose of 3.5 mg/kg bw triggers the vomiting reaction in man. Sulfur dioxide is listed by the Food and Drug Administration as GRAS (generally recognized as safe) as a chemical preservative under 21 CFR 182.3862.

No data are lacking from the petition, nor are there any actions pending against continued registration of sulfur dioxide, nor are any other considerations involved in establishing the proposed exemption.

The pesticide is considered useful for the purpose for which an exemption from the requirement of a tolerance is sought, and it is concluded that the exemption from the requirement of a tolerance for residues of sulfur dioxide on corn for feed established by amending 40 CFR 180.1013 will protect the public health. It is proposed, therefore, that the exemption from the requirement of a tolerance be established as set forth below.

Any person who has registered or submitted an application for the registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act, which contains any of the ingredients listed herein, may request within 30 days after publication of this proposal in the **Federal Register** that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition/document control number, "PP 9E2258/P127". All written comments filed in response to this notice of proposed rulemaking will be available for public inspeciton in the office of PM 21, Room 305, east Tower, from 8:30 a.m. to 4 p.m. Monday through Friday.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procdures. EPA labels these other regulations "specialized". This proposed rule has been reviewed, and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

Therefore, it is proposed that Part 180, Subpart D, section 180.1013 be revised by designating the existing paragraph "Residues from the * * *" as paragraph (a) and by adding the new paragraph (b), as follows:

§ 180.1013 Sulfur dioxide from use in fumigants for stored grains; exemption from the requirement of a tolerance.

(a) * * *

(b) Residues of sulfur dioxide resulting from postharvest fungicidal use are exempted from the requirement of a tolerance in or on corn grain for feed use only.

(Sec. 408(e), 68 Stat. 514, 21 U.S.C. 346a(e))

Dated: March 20, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-9345 Filed 3-26-80: 8:45 am]

BILLING CODE 6560-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Parts 80, 81, 82, 83

[Docket No. FEMA-FIA-80]

Federal Crime Insurance Program

AGENCY: Office of Federal Insurance Administration, Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: These revisions to the Federal Crime Insurance Program Regulations propose to achieve the following principal purposes. The Nondiscrimination Clause is amended to specifically add sex, marital status, and age as grounds upon which discrimination under the Program is prohibited. Under the Residential Federal Crime Insurance Policy the insurer's liability for loss of property while unattended in or on any motor vehicle or trailer has been deleted and the insurer's liability for loss of jewelry, furs, fine arts, antiques, coin or stamp collections, and articles of gold, silver, or platinum is limited to an aggregate per occurrence of $500.00. Finally, the exclusion clause has been amended to make it more consistent with the insuring agreements and the procedure for determining the effective date of policies has been modified.

DATES: All comments received on or before May 27, 1980, will be considered before final action is taken on the proposed rule.

ADDRESSES: Persons wishing to comment should submit comments in duplicate to the Rules Docket Clerk, Office of the General Counsel, Federal Emergency Management Agency, Washington, D.C. 20472, Telephone Number (202) 566-1630.

FOR FURTHER INFORMATION CONTACT: Mr. James M. Rose, Jr., Federal Crime Insurance Program, (202) 755-6580), Room 5126, 451 Seventh Street, S.W., Washington, DC 20410.

Supplementary Information

These revisions, which are the results of experience gained in administering the Federal Crime Insurance Program and of suggestions received from interested parties, will make the Program more effective in serving the needs of those for whom it was intended and will benefit the government as well as insureds.

Because the current regulations fail to make any specific reference to sex, age, and marital status as grounds upon which discrimination under the Program is prohibited, this proposed rule change adds these factors to those grounds.

FEMA has seen a need to eliminate its liability for loss of property while unattended in or on any motor vehicle or trailer and to reduce the limits of liability of the Federal government under the Residential Federal Crime Insurance Policy for the loss of jewelry and articles of gold, silver, or platinum, including flatware and hollowware, furs, fine arts, antiques, and coin or stamp collections in order to reduce the amount of subsidy required by the Program. The exclusions paragraph of the residential policy has been amended to make it more consistent with the insuring agreement.

To encourge prompt submission of policy applications and to provide a more consistent means of determining the inception date of policies, the regulations have been amended to utilize the date of the U.S. Post Office affixed postmark and to make coverage effective at noon of the following day. In addition, these regulations enable insureds who are successful in obtaining broader coverage in the private insurance market to cancel their Federal Crime Insurance Policy without incurring a reduction in the computation of their return premium.

Because the proposed rule, while reducing the government's liability for certain kinds of losses, confers benefits to insureds which would be to their immediate advantage, FEMA has determined that the effective date of this rule will be the date of publication of the final rule.

It has been determined that this proposed rule does not have a substantial impact upon the quality of the environment. A finding to that effect is included in the formal docket file and is available for public inspection and copying at the Rules Docket Clerk, Office of General Counsel, Federal Emergency Management Agency, Room 802, 1725 Eye Street, NW, Washington, D.C. 20472.

Accordingly 44 CFR Parts 80, 81, 82 and 83 are proposed to be amended as follows:

PART 80—DESCRIPTION OF PROGRAM AND OFFER TO STATE LICENSED PROPERTY INSURANCE AGENTS AND BROKERS ACTING ON BEHALF OF PURCHASERS OF FEDERAL CRIME INSURANCE

(1) Present Section 80.4 is amended to read as follows:

§80.4 Offer to pay commissions to State licensed property insurance agents and brokers for submitting applications on behalf of purchasers for Federal crime insurance.

(a) The insurer hereby offers to pay to an eligible State licensed property insurance agent or broker a commission in an amount equal to the specified percentage of the applicable policyholder preminum with respect to each Federal crime insurance policy procured for an eligible applicant in accordance with the provisions of this subchapter. The actual submission of a valid and complete application, together with the applicable premium, resulting in the issuance of a policy to an eligible insured, all on approved forms and in accordance with the provisions of this subchapter, shall be deemed an acceptance of this offer subject to avoidance from the inception of the policy in the event of fraud or misrepresentation and to cancellation by the insurer (for any of the reasons set forth in § 81.7 of this chapter) or by the insured, and provided the agent or broker promptly submits the application and transmits the gross amount of the policyholder premium then due to the insurer and complies with respect to such policy, with any additional procedural requirements the insurer may then have imposed. It shall be a further condition of this offer that the agent or broker must certify on the application that any duties set forth in the application have been fully carried out. The amount of the commission shall be prorated in the event of the cancellation of any validly issued policy, and the agent or broker shall repay to the insurer the amount of any unearned commission in excess of the minimum annual commission applicable to the then current term of the policy resulting from any such cancellation. Premiums must be paid by a check on money order made payable to the Federal Crime Insurance Program, and no agent or broker shall cause any applicant to make any Federal crime insurance premium payable to anyone other than the Federal Crime Insurance Program.

(b) Commissions earned by eligible agents and brokers under the authority of paragraph (a) of this section shall be paid to them in a lump sum by the insurer either monthly or on such other equitable basis as the insurer may approve.

(c) Subject to a minimum annual commission of $15 on each commercial policy and $5 on each residential policy, the specified commission percentages of the policy holder premium for both residential and commercial insurance coverages shall be the following: Initial policies, territory 01, 16 percent; 02, 15 percent; 03, 14 percent; and for all renewal business, the commission shall be 12 percent. The renewal commission rate shall apply to any property that has previously been insured under the Program unless the lapse of time since the termination of the previous policy is in excess of 1 year: Provided, that the commission for any such renewed policy shall be deemed payable only to the agent or broker, if any, who wrote the policy. A change of broker at other than an anniversary date must be accomplished by submission of a new application with applicable premium and cancellation of the previous policy.

(d) No service, placement, or other fee of whatsoever nature shall be charged by any agent, broker, or servicing company to any applicant or property owner under the Program as a condition of placement or for service on an existing policy; nor shall any applicant be compelled to purchase any other services or merchandise as a condition for having his application submitted. No fee may be collected, retained or shared by any agent or broker for the reporting or adjustment of any Federal crime insurance claim.

(e) For the purposes of this offer, an eligible agent or broker means an agent or broker who is at the time of making application for the policy and at the time of subsequent renewals, licensed and authorized to act as a property insurance agent or broker with respect to the State where the insured premises are located and who has not been suspended or debarred by the insurer. Such agent or broker is the agent or broker of the insured and is not an agent of the Federal government nor any Federal agency, except as otherwise expressly provided herein. An eligible applicant is one whose premises to be insured are located in a State then currently designated as eligible for the sale of Federal crime insurance in § 81.1 of this chapter.

(f) Insureds will be billed directly by the insurer for all installment and renewal payments and insureds should make payment by check or money order payable to the Federal Crime Insurance Program and mail such payment to the insurer and not to the agent or broker. But, nevertheless, in the event that an insured makes a timely installment payment of the current premium (after the initial payment submitted with the application) to any agent or broker, proof submitted by the insured, the agent or the broker of the timely receipt by the agent or broker may be deemed by the Administrator to be proof of timely payment to the insurer so that the

insured will not be penalized because of an error or omission on the part of the agent or broker in forwarding the payment to the insurer.

(g) Neither this § 80.4 nor any acceptance of this offer shall be deemed to confer upon any agent or broker any authority to act for, represent, or bind the insurer or the United States except as otherwise expressly provided herein.

(h) Failure of any person to comply with any provision of these regulations may result in the immediate suspension or debarment of the violator from any further participation in the Program.

(2) Section 80.5 entitled *Duties of servicing companies* is amended in paragraph (b)(12) to read as follows:

§ 80.5 Duties of servicing companies.

(b) * * *

(12) Bill policyholders directly at least 30 days in advance of due dates, and send a copy of each premium or renewal notice to the agent or broker of record, if any;

§ 80.6 [Amended]

(3) Section 80.6 entitled *Names and addresses of servicing companies* is amended by the addition of the following sentence: In Puerto Rico and the Virgin Islands the toll-free number is (800) 638-6830.

PART 81—PURCHASE OF INSURANCE AND ADJUSTMENT OF CLAIMS

(4) Section 81.2 entitled *Eligibility requirements applicable to property owners* is amended in paragraph (a)(2) and (c) to read as follows:

§ 81.2 Eligibility requirements applicable to property owners.

(a) * * *

(2) Pay the annual premium or six-month premium installment at the time of application. Coverage will commence in accordance with §§ 83.5 and 83.25a.

* * * * *

(c) Any false statement in the application or in connection with any claim submitted under the Program may, without limitation of any applicable statute, void the policy and result in the denial of such claim in its entirety.

(5) Section 81.7 entitled *Cancellations, modifications and renewals of coverage* is amended with respect to the first sentence of paragraph (b) and with respect to paragraph (c) which shall read as follows:

§ 81.7 Cancellations, modifications and renewals of coverage.

(b) A renewal notice will be sent by the servicing company to the insured at least 30 days prior to the expiration date of each policy.* * *

* * * * *

(c) Changes in coverage or limits of coverage may be made at any time upon submission of a new application with the applicable semi-annual premium. If the ownership of an insured premises is changed, the new owner must submit a new application with the applicable semi-annual premium. Policy coverage ceases at the time of ownership change and a policy may not be transferred or assigned to a new owner or tenant except by submission of a new application. Policy coverage ceases at the time of any change in the ownership of or insurable interest in the premises specified in the application. Upon receipt of information indicating that such a change in ownership or insurable interest has occurred, the insurer shall issue a notice of cancellation effective the date of such change. Return of premium on a cancelled policy shall be on a prorata basis when such cancellation is made for the purpose of changing address or coverage or limits of coverage or for purchasing crime insurance coverage in the private insurance market. Short-rate cancellation procedures shall be applicable to any other cancellation during the term of any policy.

(6) Section 81.10 is amended to read as follows:

§ 81.10 Nondiscrimination.

The Federal Crime Insurance Program and all policies issued or serviced thereunder are subject to applicable Federal regulations and requirements issued from time to time pursuant thereto. No persons shall be excluded from participation in, denied the benefits of, or subjected to discrimination under the Program, on the grounds of race, color, sex, marital status, age or national origin. Any complaint or information concerning the existence of any such unlawful discrimination in any matter within the purview of this subchapter should be referred to the Administrator.

PART 82—PROTECTIVE DEVICE REQUIREMENTS

Subpart C—Nonresidential Properties

(7) Section 82.31 entitled *Minimum Standards for industrial and commercial properties* is amended in paragraph (f) to read as follows:

§ 82.31 Minimum standards for industrial and commercial properties.

* * * * *

(f) the following types of establishments whose inventories pose a particularly serious risk shall, as a minimum, in addition to the requirements of paragraphs (a), (b) and (d) of this section, be protected by the type of alarm system indicated. If the system specified in (f)(1) of this section is not available in the community in which the premises are located, the type of system specified in paragraph (f)(2) of this section shall be permitted.

(1) Central station and supervised service, alarm systems shall be required for the following:

(i) Jewelry—manufacturing, wholesale, retail and storage

(ii) Guns and ammunition—wholesale and retail

(iii) Wholesale liquor including beer and wine

(iv) Wholesale tobacco

(v) Wholesale drug

(vi) Furs—manufacturing, wholesale, retail and storage

(vii) Precious metal—manufacturing, wholesale, retail and storage

(2) Silent Alarm systems shall be required for the following:

(i) Retail liquor store

(ii) Pawn shop

(iii) Electronic Equipment—wholesale and retail

(iv) Clothing (new) for persons over the age of twelve—wholesale and retail

(v) Coin and stamp shop

(vi) Cameras—wholesale and retail

(3) Local alarm systems shall be required for the following:

(i) Antique store

(ii) Art Gallery

(iii) Service Station

* * * * *

PART 83—COVERAGES, RATES, AND PRESCRIBED POLICY FORMS

Subpart A—Residential Crime Insurance Coverage

(8) § 83.5, the first paragraph is amended to read as follows:

§ 83.5 Required residential policy form.

The following shall constitute the policy form for the residential crime insurance policy and no other policy form shall be used. Coverage will commence at 12:00 noon following the date of a U.S. Post Office affixed postmark or proof of Certified or Registered mailing. In the absence of such postmark or other proof sufficient to substantiate the date of mailing, coverage will be effective at 12:00 noon following receipt by the servicing company, unless a later date is specified in the application.

* * * * *

§ 83.5 [Amended]

(9) Section 83.5(a) Owner's or tenant's residential crime insurance policy application form is deleted and paragraph (b) is relettered as paragraph (a) Owner's or tenant's Residential Crime Insurance Policy form.

(10) Section 83.5(a) as relettered, is amended to delete clause I(b) of the paragraph entitled Insuring Agreements and to cause the paragraph entitled Exclusions to read as follows:

Exclusions

This Policy does not apply:

(a) to loss committed by an insured;

(b) to loss of (1) any aircraft, motor vehicle (other than motorized equipment designed for service purposes and not licensed for highway use), trailer, boat or the equipment thereof, (2) articles carried or held as samples or for sale or for delivery after sale, or (3) animals, fish or birds;

(c) to loss sustained by a person not related to an insured who pays board or rent to an insured;

(d) to loss of (1) property pertaining to a business of an insured;

(e) to loss if the premises are not protected in accordance with the regulations of the Federal Insurance Administration, as published at the time of the inception of the then current term of the Policy in Crime Insurance Program 44 CFR 80 et seq.

(11) Section 83.5(a), as relettered, is amended in Clause 3, of the paragraph entitled Conditions to read as follows:

3. *Limits of liability; settlement options.* The Insurer shall not be liable on account of any loss unless the amount of such loss shall exceed the amount of the deductible described in the Application which is made a part of this Policy and the Insurer shall then be liable only for such excess over and above the deductible, subject to and within the limit of insurance covered by the Policy. The limit of the Insurer's liability for loss or damage in any one occurrence shall not exceed the applicable limit of insurance stated in the Application, nor what it would cost at the time of loss to repair or replace the property with other of like kind and quality, nor the actual cash value thereof at the time of loss: Provided, however, that the limit of the Insurer's liability for loss of money is $100, and for loss of securities is $500, and for loss of jewelry, including without limitation, watches, necklaces, bracelets, rings, gems, precious and semi-precious stones, and articles of gold, silver or platinum, including flatware and hollowware, furs, fine arts, antiques, coin or stamp collections is, in the aggregate, $500.00 per occurrence.

If there is a loss of an article which is part of a pair or set, the measure of loss shall be a reasonable and fair proportion of the total value of the pair or set, giving consideration to the importance of said article, but such loss shall not be construed to mean total loss of the pair or set.

The applicable limit of insurance stated in the application is the total limit of the Insurer's liability with respect to all loss of property of one or more persons or organizations arising out of any one occurrence.

All loss incidental to an actual or attempted fraudulent, dishonest, or criminal act or series or related acts at the premises, whether committed by one or more persons, shall be deemed to arise out of one occurrence.

The Insurer may pay for the loss in money or may repair or replace the property and may settle any claim for loss of property either with the named insured or the owner thereof. Any property so paid for or replaced shall become the property of the Insurer. Any property recovered after settlement of a loss shall be applied first to the expense of the parties in making such recovery, with any balance applied as if the recovery had been made prior to said settlement, and loss readjusted accordingly. The insured or the Insurer, upon recovery of any such property, shall give notice thereof as soon as practicable to the the other.

(12) Section 83.5(a) as relettered, is amended in paragraph 4 of the paragraph entitled Conditions, so as to add, at the end of the paragraph 4 entitled *Insured's duties when loss occurs,* the following:

* * * The insured shall as a condition of continued coverage take reasonable actions immediately following the discovery of a loss to protect the premises from further loss.

* * * * *

(13) Section 83.5(c) is relettered as § 83.5(b)

PART 83—COVERAGES, RATES, AND PRESCRIBED POLICY FORMS

Subpart B—Commercial Crime Insurance Coverage

(14) Section 83.24 entitled *Classification of commercial risks* is amended to add the following paragraph (d):

§ 83.24 Classification of commercial risk.

* * * * *

(d) Warehouses and or other storage areas shall take the classification of the merchandise or inventory comprising the majority value of the contents.

(15) Section 83.25 is amended to read as follows:

§ 83.25 Commercial crime insurance rates.

(a) Premium rates for commercial crime insurance policies for risks having annual gross receipts of less than $2,000,000 shall be determined by reference to the rate charts contained in paragraph (f) of this section. The annual gross receipts shall be those contained in the insured's most recently filed Federal income tax return for the most recent taxable year. If the applicant is a non-profit or public entity whose gross receipts constitute less than its operating budget, its operating budget shall be used in lieu of gross receipts to determine the appropriate premium.

(b) *Option 1.* An applicant may apply for insurnace coverage under all of the Insuring Agreements, I, II, III, IV, V, VI, and VII of the Commercial Crime Insurance Policy. Agreements I and II deal with Robbery and Observed Theft inside and outside the premises, Agreements III and IV deal with Safe burglary and Theft from a Night Depository, Agreement V deals with Burglary and Robbery of a Watchman and Agreement VI deals with Damage. Agreement VII limits coverage to losses occurring within the several States, the District of Columbia, the Commonwealth of Puerto Rico, the territories and possessions and the trust territory of the Pacific Islands. This package provides a uniform limit of coverage for all Agreements and is referred to as Option 1.

(c) *Option 2.* An applicant may apply for insurance coverage under only Insuring Agreements, I, II, VI and VII of the Commercial Policy dealing with Robbery and Observed Theft inside and outside the premises and Damage resulting from losses under Insuring Agreements I and II only. Such coverage shall be referred to as Option 2.

(d) *Option 3.* An applicant may apply for insurance coverage under only Insuring Agreements III, IV, V, VI and VII of the Commercial Policy dealing with Safe Burglary, Theft from Night Depository, and Burglary or Robbery of a Watchman, and Damage resulting from losses under Insuring Agreements III and V only. Such coverage shall be referred to as Option 3.

(e) *Option 4.* An applicant may apply for varying limits of insurance coverage under both Option 2 and Option 3 but only in the same policy. Both Options 2 and 3 must be applied for at the same time. If one of these options has already been selected, the other option may be added upon a renewal or upon rewriting the original policy to add the new option.

(f) The following rate tables may be used to determine rates for commercial risks having annual gross receipts of less than $2 million annually.

BILLING CODE 4210-23-M

Schedule 1

FEDERAL CRIME INSURANCE PROGRAM

-- COMMERCIAL CRIME INSURANCE RATES

Annual Premium for-- Terr. 1 - Class 1	Amount of Coverage											
	$1,000			$2,000			$3,000			$4,000		
	Options			Options			Options			Options		
Gross Receipts:	(1)	(2)	(3)	(1)	(2)	(3)	(1)	(2)	(3)	(1)	(2)	(3)
Less than $25,000	$70	$42	$35	$133	$80	$67	$189	$113	$95	$238	$143	$119
25,000-49,999	70	42	35	133	80	67	189	113	95	238	143	119
50,000-99,999	70	42	35	133	80	67	189	113	95	238	143	119
100,000-299,999	105	63	53	200	120	100	284	170	142	357	214	179
300,000-499,999	140	84	70	266	160	133	378	227	189	476	286	238
500,000-999,999	175	105	88	333	200	167	473	284	237	595	357	298
1,000,000-1,499,999	280	168	140	532	319	266	756	454	378	952	571	476
1,500,000-1,999,999	315	189	158	599	359	300	851	511	426	1071	643	536
	$5,000			$6,000			$7,000			$8,000		
Less than $25,000	280	168	140	315	189	158	343	206	172	364	218	182
25,000-49,999	280	168	140	315	189	158	343	206	172	364	218	182
50,000-99,999	280	168	140	315	189	158	343	206	172	364	218	182
100,000-299,999	420	252	210	473	284	237	515	309	258	546	328	273
300,000-499,999	560	336	280	630	378	315	686	412	343	728	437	364
500,000-999,999	700	420	350	788	473	394	858	515	429	910	546	455
1,000,000-1,499,999	1120	672	560	1260	756	630	1372	823	686	1456	874	728
1,500,000-1,999,999	1260	756	630	1418	851	709	1544	926	772	1638	983	819
	$9,000			$10,000			$11,000			$12,000		
Less than $25,000	378	227	189	385	231	193	389	233	195	392	235	196
25,000-49,999	378	227	189	385	231	193	389	233	195	392	235	196
50,000-99,999	378	227	189	385	231	193	389	233	195	392	235	196
100,000-299,999	567	340	289	578	347	289	583	350	292	588	353	294
300,000-499,999	756	454	378	770	462	385	777	466	389	784	470	392
500,000-999,999	945	567	473	963	578	482	971	583	486	980	588	490
1,000,000-1,499,999	1512	907	756	1540	924	770	1554	932	777	1568	941	784
1,500,000-1,999,999	1701	1021	851	1733	1040	867	1748	1049	874	1764	1058	882
	$13,000			$14,000			$15,000					
Less than $25,000	396	238	198	399	239	200	403	242	202			
25,000-49,999	396	238	198	399	239	200	403	242	202			
50,000-99,999	396	238	198	399	239	200	403	242	202			
100,000-299,999	594	356	297	599	359	300	604	362	302			
300,000-499,999	792	475	396	798	479	399	805	483	403			
500,000-999,999	989	593	495	998	599	499	1006	604	503			
1,000,000-1,499,999	1582	949	791	1596	958	798	1610	966	805			
1,500,000-1,999,999	1780	1068	890	1796	1078	898	1811	1087	906			

Option (1) - Burglary and robbery coverage in uniform amount.
Option (2) - Robbery only coverage.
Option (3) - Burglary only coverage.

The rate for Option (4) consists of the sum of the rates for the selected amounts of coverage under Options (2) and (3).

Schedule 2

FEDERAL CRIME INSURANCE PROGRAM

-- COMMERCIAL CRIME INSURANCE RATES (Cont.)

Annual Premium for-- Terr. 1 - Class 2 and Terr. 2 - Class 1	Amount of Coverage											
	$1,000			$2,000			$3,000			$4,000		
	Options			Options			Options			Options		
Gross Receipts:	(1)	(2)	(3)	(1)	(2)	(3)	(1)	(2)	(3)	(1)	(2)	(3)
Less than $25,000	$80	$48	$40	$152	$91	$76	$216	$130	$108	$272	$163	$136
25,000-49,999	80	48	40	152	91	76	216	130	108	272	163	136
50,000-99,999	80	48	40	152	91	76	216	130	108	272	163	136
100,000-299,999	120	72	60	228	137	114	324	194	162	408	245	204
300,000-499,999	160	96	80	304	182	152	432	259	216	544	326	272
500,000-999,999	200	120	100	380	228	190	540	324	270	680	408	340
1,000,000-1,499,999	320	192	160	608	365	304	864	518	432	1088	653	544
1,500,000-1,999,999	360	216	180	684	410	342	972	583	486	1224	734	612
	$5,000			$6,000			$7,000			$8,000		
Less than $25,000	320	192	160	360	216	180	392	235	196	416	250	208
25,000-49,999	320	192	160	360	216	180	392	235	196	416	250	208
50,000-99,999	320	192	160	360	216	180	392	235	196	416	250	208
100,000-299,999	480	288	240	540	324	270	588	353	294	624	374	312
300,000-499,999	640	384	320	720	432	360	784	470	392	832	499	416
500,000-999,999	800	480	400	900	540	450	980	588	490	1040	624	520
1,000,000-1,499,999	1280	768	640	1440	864	720	1568	941	784	1664	998	832
1,500,000-1,999,999	1440	864	720	1620	972	810	1764	1058	882	1872	1123	936
	$9,000			$10,000			$11,000			$12,000		
Less than $25,000	432	259	216	440	264	220	444	266	222	448	269	224
25,000-49,999	432	259	216	440	264	220	444	266	222	448	269	224
50,000-99,999	432	259	216	440	264	220	444	266	222	448	269	224
100,000-299,999	648	389	324	660	396	330	666	400	333	672	403	336
300,000-499,999	864	518	432	880	528	440	888	533	444	896	537	448
500,000-999,999	1080	648	540	1100	660	550	1110	666	555	1120	672	560
1,000,000-1,499,999	1728	1037	864	1760	1056	880	1776	1066	888	1792	1075	896
1,500,000-1,999,999	1944	1166	972	1980	1188	990	1998	1199	999	2016	1210	1008
	$13,000			$14,000			$15,000					
Less than $25,000	452	271	226	456	274	228	460	276	230			
25,000-49,999	452	271	226	456	274	228	460	276	230			
50,000-99,999	452	271	226	456	274	228	460	276	230			
100,000-299,999	678	407	339	684	410	342	690	414	345			
300,000-499,999	904	542	452	912	547	456	920	552	460			
500,000-999,999	1130	678	565	1140	684	570	1150	690	575			
1,000,000-1,499,999	1808	1085	904	1824	1094	912	1840	1104	920			
1,500,000-1,999,999	2034	1220	1017	2052	1231	1026	2070	1242	1035			

Option (1) - Burglary and robbery coverage in uniform amount.
Option (2) - Robbery only coverage.
Option (3) - Burglary only coverage.

The rate for Option (4) consists of the sum of the rates for the selected amounts of coverage under Options (2) and (3).

Schedule 3

FEDERAL CRIME INSURANCE PROGRAM

-- COMMERCIAL CRIME INSURANCE RATES (Cont.)

Annual Premium for-- Terr. 1 - Class 3, Terr. 2 - Class 2, and Terr. 3 - Class 1	Amount of Coverage											
	$1,000			$2,000			$3,000			$4,000		
	Options			Options			Options			Options		
Gross Receipts:	(1)	(2)	(3)	(1)	(2)	(3)	(1)	(2)	(3)	(1)	(2)	(3)
Less than $25,000	$100	$60	$50	$190	$114	$95	$270	$162	$135	$340	$204	$170
25,000-49,999	100	60	50	190	114	95	270	162	135	340	204	170
50,000-99,999	100	60	50	190	114	95	270	162	135	340	204	170
100,000-299,999	150	90	75	285	171	143	405	243	203	510	306	255
300,000-499,999	200	120	100	380	228	190	540	324	270	680	408	340
500,000-999,999	250	150	125	475	285	238	675	405	338	850	510	425
1,000,000-1,499,999	400	240	200	760	456	380	1080	648	540	1360	816	680
1,500,000-1,999,999	450	270	225	855	513	428	1215	729	608	1530	918	765
	$5,000			$6,000			$7,000			$8,000		
Less than $25,000	400	240	200	450	270	225	490	294	245	520	312	260
25,000-49,999	400	240	200	450	270	225	490	294	245	520	312	260
50,000-99,999	400	240	200	450	270	225	490	294	245	520	312	260
100,000-299,999	600	360	300	675	405	338	735	441	368	780	468	390
300,000-499,999	800	480	400	900	540	450	980	588	490	1040	624	520
500,000-999,999	1000	600	500	1125	675	563	1225	735	613	1300	780	650
1,000,000-1,499,999	1600	960	800	1800	1080	900	1960	1176	980	2080	1248	1040
1,500,000-1,999,999	1800	1080	900	2025	1215	1013	2205	1323	1103	2340	1404	1170
	$9,000			$10,000			$11,000			$12,000		
Less than $25,000	540	324	270	550	330	275	555	333	278	560	336	280
25,000-49,999	540	324	270	550	330	275	555	333	278	560	336	280
50,000-99,999	540	324	270	550	330	275	555	333	278	560	336	280
100,000-299,999	810	486	405	825	495	413	833	500	417	840	504	420
300,000-499,999	1080	648	540	1100	660	550	1110	666	555	1120	672	560
500,000-999,999	1350	810	675	1375	825	688	1388	833	694	1400	840	700
1,000,000-1,499,999	2160	1296	1080	2200	1320	1100	2220	1332	1110	2240	1344	1120
1,500,000-1,999,999	2430	1458	1215	2475	1485	1238	2498	1499	1249	2520	1512	1260
	$13,000			$14,000			$15,000					
Less than $25,000	565	339	283	570	342	285	575	345	288			
25,000-49,999	565	339	283	570	342	285	575	345	288			
50,000-99,999	565	339	283	570	342	285	575	345	288			
100,000-299,999	848	509	424	855	513	428	863	518	432			
300,000-499,999	1130	678	565	1140	684	570	1150	690	575			
500,000-999,999	1413	848	707	1425	855	713	1438	863	719			
1,000,000-1,499,999	2260	1356	1130	2280	1368	1140	2300	1380	1150			
1,500,000-1,999,999	2543	1526	1272	2565	1539	1283	2588	1553	1294			

Option (1) - Burglary and robbery coverage in uniform amount.
Option (2) - Robbery only coverage.
Option (3) - Burglary only coverage.

The rate for Option (4) consists of the sum of the rates for the selected amounts of coverage under Options (2) and (3).

Schedule 4

FEDERAL CRIME INSURANCE PROGRAM

-- COMMERCIAL CRIME INSURANCE RATES (Cont.)

Annual Premium for--	Amount of Coverage											
Terr. 2 - Class 3 and Terr. 3 - Class 2	$1,000			$2,000			$3,000			$4,000		
	Options			Options			Options			Options		
Gross Receipts:	(1)	(2)	(3)	(1)	(2)	(3)	(1)	(2)	(3)	(1)	(2)	(3)
Less than $25,000	$120	$72	$60	$228	$137	$114	$324	$194	$162	$408	$245	$204
25,000-49,999	120	72	60	228	137	114	324	194	162	408	245	204
50,000-99,999	120	72	60	228	137	114	324	194	162	408	245	204
100,000-299,999	180	108	90	342	205	171	486	292	243	612	367	306
300,000-499,999	240	144	120	456	274	228	648	389	324	816	490	408
500,000-999,999	300	180	150	570	342	285	810	486	405	1020	612	510
1,000,000-1,499,999	480	288	240	912	547	456	1296	778	648	1632	979	816
1,500,000-1,999,999	540	324	270	1026	616	513	1458	875	729	1836	1102	918
	$5,000			$6,000			$7,000			$8,000		
Less than $25,000	480	288	240	540	324	270	588	353	294	624	374	312
25,000-49,999	480	288	240	540	324	270	588	353	294	624	374	312
50,000-99,999	480	288	240	540	324	270	588	353	294	624	374	312
100,000-299,999	720	432	360	810	486	405	882	529	441	936	562	468
300,000-499,999	960	576	480	1080	648	540	1176	706	588	1248	749	624
500,000-999,999	1200	720	600	1350	810	675	1470	882	735	1560	936	780
1,000,000-1,499,999	1920	1152	960	2160	1296	1080	2352	1411	1176	2496	1498	1248
1,500,000-1,999,999	2160	1296	1080	2430	1458	1215	2646	1588	1323	2808	1685	1404
	$9,000			$10,000			$11,000			$12,000		
Less than $25,000	648	389	324	660	396	330	666	400	333	672	403	336
25,000-49,999	648	389	324	660	396	330	666	400	333	672	403	336
50,000-99,999	648	389	324	660	396	330	666	400	333	672	403	336
100,000-299,999	972	583	486	990	594	495	999	599	500	1008	605	504
300,000-499,999	1296	778	648	1320	792	660	1332	799	666	1344	806	672
500,000-999,999	1620	972	810	1650	990	825	1665	999	833	1680	1008	840
1,000,000-1,499,999	2592	1555	1296	2640	1584	1320	2664	1598	1332	2688	1613	1344
1,500,000-1,999,999	2916	1750	1458	2970	1782	1485	2997	1798	1499	3024	1814	1512
	$13,000			$14,000			$15,000					
Less than $25,000	678	407	339	684	410	342	690	414	345			
25,000-49,999	678	407	339	684	410	342	690	414	345			
50,000-99,999	678	407	339	684	410	342	690	414	345			
100,000-299,999	1017	610	509	1026	616	513	1035	621	518			
300,000-499,999	1356	814	678	1368	821	684	1380	828	690			
500,000-999,999	1695	1017	848	1710	1026	855	1725	1035	863			
1,000,000-1,499,999	2712	1627	1356	2736	1642	1368	2760	1656	1380			
1,500,000-1,999,999	3051	1831	1526	3078	1847	1539	3105	1863	1553			

Option (1) - Burglary and robbery coverage in uniform amount.
Option (2) - Robbery only coverage.
Option (3) - Burglary only coverage.

The rate for Option (4) consists of the sum of the rates for the selected amounts of coverage under Options (2) and (3).

Schedule 5

FEDERAL CRIME INSURANCE PROGRAM

-- COMMERCIAL CRIME INSURANCE RATES (Cont.)

Annual Premium for--	Amount of Coverage											
Terr. 3 - Class 3	$1,000			$2,000			$3,000			$4,000		
	Options			Options			Options			Options		
Gross Receipts:	(1)	(2)	(3)	(1)	(2)	(3)	(1)	(2)	(3)	(1)	(2)	(3)
Less than $25,000	$130	$78	$65	$247	$148	$124	$351	$211	$176	$442	$265	$221
25,000-49,999	130	78	65	247	148	124	351	211	176	442	265	221
50,000-99,999	130	78	65	247	148	124	351	211	176	442	265	221
100,000-299,999	195	117	98	371	223	186	527	316	264	663	398	332
300,000-499,999	260	156	130	494	296	247	702	421	351	884	530	442
500,000-999,999	325	195	163	618	371	309	878	527	439	1105	663	553
1,000,000-1,499,999	520	312	260	988	593	494	1404	842	702	1768	1061	884
1,500,000-1,999,999	585	351	293	1112	667	556	1580	948	790	1989	1193	995
	$5,000			$6,000			$7,000			$8,000		
Less than $25,000	520	312	260	585	351	293	637	382	319	676	406	338
25,000-49,999	520	312	260	585	351	293	637	382	319	676	406	338
50,000-99,999	520	312	260	585	351	293	637	382	319	676	406	338
100,000-299,999	780	468	390	878	527	439	956	574	478	1014	608	507
300,000-499,999	1040	624	520	1170	702	585	1274	764	637	1352	811	676
500,000-999,999	1300	780	650	1463	878	732	1593	956	797	1690	1014	845
1,000,000-1,499,999	2080	1248	1040	2340	1404	1170	2548	1529	1274	2704	1622	1352
1,500,000-1,999,999	2340	1404	1170	2633	1580	1317	2867	1720	1434	3042	1825	1521
	$9,000			$10,000			$11,000			$12,000		
Less than $25,000	702	421	351	715	429	358	722	433	361	728	437	364
25,000-49,999	702	421	351	715	429	358	722	433	361	728	437	364
50,000-99,999	702	421	351	715	429	358	722	433	361	728	437	364
100,000-299,999	1053	632	527	1073	644	537	1082	649	541	1092	655	546
300,000-499,999	1404	842	702	1430	858	715	1443	866	722	1456	874	728
500,000-999,999	1755	1053	878	1788	1073	894	1804	1082	902	1820	1092	910
1,000,000-1,499,999	2808	1685	1404	2860	1716	1430	2886	1732	1443	2912	1747	1456
1,500,000-1,999,999	3159	1895	1580	3218	1931	1609	3247	1948	1624	3276	1966	1638
	$13,000			$14,000			$15,000					
Less than $25,000	735	441	368	741	445	371	748	449	374			
25,000-49,999	735	441	368	741	445	371	748	449	374			
50,000-99,999	735	441	368	741	445	371	748	449	374			
100,000-299,999	1102	661	551	1112	667	556	1121	673	561			
300,000-499,999	1469	881	735	1482	889	741	1495	897	748			
500,000-999,999	1836	1102	918	1853	1112	927	1869	1121	935			
1,000,000-1,499,999	2938	1763	1469	2964	1778	1482	2990	1794	1495			
1,500,000-1,999,999	3305	1983	1653	3335	2001	1668	3364	2018	1682			

Option (1) - Burglary and robbery coverage in uniform amount.
Option (2) - Robbery only coverage.
Option (3) - Burglary only coverage.

The rate for Option (4) consists of the sum of the rates for the selected amounts of coverage under Options (2) and (3).

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(g) The following procedure shall be used to determine the annual premium rates for commercial risks having annual gross receipts in excess of $2 million dollars.

(1) For risks having annual gross receipts between $2 million and $4,999,999, the base rate for the first $1,000 of combined burglary and robbery (Option 1) coverage shall be 0.00008 of such annual gross receipts (or operating budget, if applicable) multiplied by 5.00.

(2) For risks having annual gross receipts of $5 million or more the base rate for the first $1,000 of combined burglary and robbery coverage shall be .0001 of such annual gross receipts (or operating budget, if applicable) multiplied by 5.00.

(3) Rates for higher limits of coverage shall be determined by applying to the premium base derived in accordance with subparagraphs 1 & 2 of this paragraph the appropriate higher limits factor from the following table for the applicable amount of coverage.

Rate for applicable amount of coverage:	*Higher limits factor*
$1,000	1.00
$2,000	1.90
$3,000	2.70
$4,000	3.40
$5,000	4.00
$6,000	4.50
$7,000	4.90
$8,000	5.20
$9,000	5.40
$10,000	5.50
$11,000	5.55
$12,000	5.60
$13,000	5.65
$14,000	5.70
$15,000	5.75

(4) The premium for combined coverage under Option 1 shall be 100% of the premium rate computed under subparagraphs (1), (2) and (3) above.

(5) The premium for coverage under Option 2 shall be 60% of the premium rate computed under subparagraph (1), (2) and (3) above.

(6) The premium for coverage under Option 3 shall be 50% of the premium rate computed under subparagraphs (1), (2) and (3) above.

(7) The premium for combined coverage under Option 4 shall be the sum of the applicable premiums for the individual coverage under Option 2 and the coverage under Option 3, computed under subparagraphs (5) and (6) above.

(8) All premiums shall be rounded to the next higher dollar above $0.49 to obtain the chargeable annual policyholder premium. At or below $0.49 premiums shall be rounded down to the next lower dollar.

(16) Section 83.25a, entitled *Application and date of commencement of coverage* is revised to read as follows:

§ 83.25a Application and date of commencement of coverage.

Application for commercial Federal crime insurance shall be made only on forms approved by the Administrator. When a property is found by preinspection to comply with the applicable protective device requirements, coverage on property under a policy covering burglary losses will commence at 12:00 noon following the date of a U.S. Post Office affixed postmark, or proof of Certified or Registered mailing. In the absence of such postmark or other proof sufficient to substantiate the date of mailing, coverage will be effective at 12:00 noon following receipt by the servicing company, unless a later date is specified in the application. Coverage under a policy covering robbery only will commence as described above except that protective device preinspection is not applicable. When both robbery and burglary coverages are applied for on an application, an advance request may be submitted with the application to issue a policy for Option 2 Robbery Only insurance coverage if the premises fails to meet the protective device requirements which must be complied with as a prerequisite to obtaining burglary coverage. In such an event the Option 2 policy covering only robbery losses will commence as described above.

(Title XII of the Housing and Urban Development Act of 1969 (Pub. L. 90-488, 88 Stat. 476); Reorganization Plan No. 3 of 1978 (43 FR 41943) and Executive Order 12127, dated March 31, 1979 (44 FR 19367) and Delegation of Authority to Federal Insurance Administrator (44 FR 20963))

Issue date: March 18, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-9298 Filed 3-26-80; 8:45 am]

BILLING CODE 4210-23-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

45 CFR Part 233

Aid to Families With Dependent Children; Determination of the Assistance Payment When One or More Dependent Children in a Family Are SSI Beneficiaries

AGENCY: Social Security Administration, HEW.

ACTION: Notice of decision to develop regulations.

SUMMARY: The Social Security Administration plans to recommend to the Secretary publication of proposed regulations which would require States to make AFDC payments to an otherwise eligible parent, caretaker relative or parent's spouse when the only dependent child—or all of the dependent children—receives supplemental security income benefits.

The payments made to an eligible parent, caretaker relative, or parent's spouse will be federally matched as AFDC payments even though the only child (or all of the children) is not included in the assistance payment.

This proposed regulation will amend 45 CFR 233.20.

The Department of Health, Education, and Welfare has classified the proposed regulation as policy significant.

FOR FURTHER INFORMATION CONTACT: Mrs. Contance Katz, 330 C Street, SW., Washington, D.C. 20201, telephone (202) 245-0982.

Approved.

Dated: December 31, 1979.

Stanford G. Ross,

Commissioner of Social Security.

[FR Doc. 80-9293 Filed 3-26-80; 8:45 am]

BILLING CODE 4110-07-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 150

[CGD 75-59]

Compatibility of Bulk Liquid and Liquefied Gas on Vessels

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: The Coast Guard is proposing to consolidate the existing requirements regarding compatibility of cargoes on tank vessels. The proposed consolidation would require that vessel operators load cargoes as prescribed by a compatibility table. The compatibility table is essentially the same as that found in Navigation and Vessel Inspection Circular 4-75, Guide to Compatibility of Chemicals. Because the requirements for carriage of combustible cargoes were promulgated at different times, they are inconsistent and in some cases vague. The requirements are also scattered throughout Title 46. This consolidation will bring all of the requirements together as well as clarify those that are vague.

DATE: Comments must be received on or before May 1, 1980.

ADDRESS: Comments should be submitted to: Commandant (G-CMC/TP24) (CGD 75-59), U.S. Coast Guard, Washington, D.C. 20593.

Comments will be available for examination at the Marine Safety Council (G-CMC/TP24), Room 2418, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Robert M. Query, Office of Merchant Marine Safety (G-MHM/14), Room 1405, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593 (202/426-1217).

SUPPLEMENTARY INFORMATION: The public is invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Each comment should include the name and address of the person submitting the comment, reference the docket number (CGD 75-59), identify the specific section of the proposal to which each comment applies, and include sufficient detail to indicate the basis on which each comment is made. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held at a time and place to be set in a later notice in the **Federal Register** if requested in writing by an interested person raising a genuine issue and desiring to comment orally at a public hearing.

This proposal has been reviewed under the Department of Transportation's "Regulatory Policies and Procedures" (44 FR 11034, February 26, 1979). A draft evaluation has been prepared and placed in the public docket.

Drafting Information

The principal persons involved in drafting this rule are: Robert M. Query, Project Manager, Office of Merchant Marine Safety and Michael N. Mervin, Project Attorney, Office of the Chief Counsel.

Discussion of the Proposed Regulations

The Coast Guard has published a number of requirements that are intended to prevent accidents arising from mixing incompatible cargoes. These may be found in 46 CFR 98.25-20(d), 151.13-5(b), 151.13-10, 151.45-4(d)(11), 153.963, and 154.1832. Because these requirements are scattered about in title 46 and because they were developed at different times, they are inconsistent and occasionally vague. In several instances no description is given as to how one determines whether two cargoes are compatible.

To simplify and clarify these requirements, the Coast Guard is proposing to consolidate them under a new rule. This rule would require that vessel operators load bulk liquid cargoes according to a compatibility table.

The compatibility table gives a yes or no answer to the question of whether two cargoes are compatible. The table has been patterned after similar tables developed and used by various chemical manufacturers. The Coast Guard has published the table for a number of years and has refined it several times. The latest version was published as Navigation and Vessel Inspection Circular (NVC) 4-75. Copies of NVC 4-75 are available from: Commandant (G-MHM-3/TP14), U.S. Coast Guard, Washington, D.C. 20593, Tel. No. (202) 426-6260.

Included in the proposal are testing methods enabling a person to determine whether two cargoes are compatible when either one or both are not listed in the compatibility table. To keep the information current, keep the table up to date, and ensure that the specified test procedures are followed, the Coast Guard would review any test data. A person wishing to ship a pair of cargoes other than as allowed by the proposed rule would submit test data to the Commandant (G-MHM) of the Coast Guard. The Commandant (G-MHM) would determine whether the pair was compatible after reviewing the test data.

Besides adding a new part and subpart, the proposed rule deletes references to compatibility in other regulations for bulk liquid cargoes. The compatibility related requirements that apply to ammonia in § 98.25-20(d) would remain since they address areas not covered by this proposal.

In consideration of the foregoing, the Coast Guard proposes to amend Title 46 of the Code of Federal Regulations as follows:

1. By adding a new part 150 to read as follows:

PART 150—OPERATIONAL REQUIREMENTS FOR HAZARDOUS WASTES AND INCOMPATIBLE BULK LIQUID CARGOES

Subpart A—Compatibility of Cargoes

Sec.

150.110 Applicability.
150.115 Definition of hazardous material.
150.120 Definition of incompatible cargoes.
150.130 Loading a cargo on vessels carrying cargoes with which it is incompatible.
150.140 Cargoes not listed in table I.
150.150 Exceptions to the compatibility chart.
150.160 Carrying a cargo as an exception to the compatibility chart.
Figure I—Compatibility chart.
Table I—Alphabetical list of cargoes.
Table II—Groupings of cargoes.
Appendix I—Exceptions to the chart.
Appendix II—Explanation of figure I.
Appendix III—Testing procedures for determining exceptions to the chart.
Appendix IV—Data sheet.

Authority: The regulations of this subpart are issued under 46 USC 391a; 49 U.S.C. 1803; 49 CFR 1.46(n)(4) and (t).

Subpart A—Compatibility of Cargoes

§ 150.110 Applicability.

This part prescribes rules for identifying incompatible hazardous materials (as defined in 46 U.S.C. 391a(2)(c)) and rules for carrying these materials in bulk as cargo in permanently attached tanks or in tanks that are loaded or discharged while aboard the vessel. The rules apply to all vessels subject to 46 U.S.C. 391a.

§ 150.115 Definition of hazardous material.

In this subpart "hazardous material" means—

(a) a flammable liquid as defined in § 30.10-22 or a combustible liquid as defined in § 30.10-15 of this chapter;

(b) a material listed in table 151.05, table 1 of part 153, or table 4 of part 154 of this chapter; or

(c) a liquid, liquefied gas, or compressed gas listed in 49 CFR 172.101.

§ 150.120 Definition of incompatible cargoes.

Except as described in § 150.150, a cargo of hazardous material is incompatible with another cargo listed in table I if the chemical groups of the two cargoes have—

(a) an "X" where their columns intersect in figure I and are not shown as exceptions in Appendix I; or

(b) a letter other than "X" where their columns intersect in figure I and are specifically listed in the footnote designated by the letter. (See also § 150.140.)

§ 150.130 Loading a cargo on vessels carrying cargoes with which it is incompatible.

Except as described in § 150.160, an operator of a vessel shall ensure that the containment system for a cargo that is a hazardous material meets the following requirements:

(a) The containment system must isolate the hazardous material from any cargo in table I with which it is incompatible by two barriers such as formed by a—

(1) cofferdam;

(2) empty tank;

(3) void space;

(4) cargo handling space;

(5) tank containing a compatible cargo; or

(6) piping tunnel.

(b) The containment system for the hazardous material must not have a piping or venting system that connects to a containment system carrying a cargo 7with which it is incompatible. Any such piping or venting system must have been separated from the containment system carrying the incompatible cargo by—

(1) removing a valve or spool piece and blanking off the exposed pipe ends, or

(2) installing two spectacle flanges in series with a means of detecting leakage into the pipe between the spectacle flanges.

§ 150.140 Cargoes not listed in table I.

(a) A cargo of hazardous material not listed in table I must be handled as if incompatible with all other cargoes until the Commandant (G–MHM) (tel. no. (202) 426–6260) assigns the hazardous material to a compatibility group.

(b) A cargo of hazardous material must be handled as if incompatible with any cargo not listed in table I until the Commandant (G–MHM) (tel. no. (202) 426–6260) assigns the unlisted cargo a compatibility group.

§ 150.150 Exceptions to the compatibility chart.

The Commandant (G–MHM) authorizes on a case by case basis exceptions to the rules in this part if two cargoes shown to be incompatible in figure I meet the standards for a compatible pair in Appendix III.

§ 150.160 Carrying a cargo as an exception to the compatibility chart.

The operator of a vessel having on board a cargo carried as an exception under § 150.150 shall ensure that—

(a) the Commandant (G–MHM) has authorized by letter or message the loading arrangement as an exception to the compatibility chart; and

(b) a copy of the letter or message is on the vessel.

BILLING CODE 4910-14-M

Figure I - Compatibility chart

CARGO GROUPS

REACTIVE GROUPS

CARGO GROUPS	1. NON-OXIDIZING MINERAL ACIDS	2. SULFURIC ACID	3. NITRIC ACID	4. ORGANIC ACIDS	5. CAUSTICS	6. AMMONIA	7. ALIPHATIC AMINES	8. ALKANOLAMINES	9. AROMATIC AMINES	10. AMIDES	11. ORGANIC ANHYDRIDES	12. ISOCYANATES	13. VINYL ACETATE	14. ACRYLATES	15. SUBSTITUTED ALLYLS	16. ALKYLENE OXIDES	17. EPICHLOROHYDRIN	18. KETONES	19. ALDEHYDES	20. ALCOHOLS, GLYCOLS	21. PHENOLS, CRESOLS	22. CAPROLACTAM SOLUTION
1. NON-OXIDIZING MINERAL ACIDS		X			X	X	X	X	X	X	X	X	X	X		X	X	X	A	E		X
2. SULFURIC ACID	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
3. NITRIC ACID		X			X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
4. ORGANIC ACIDS		X			X	X	X	X	C		X	X	X	X		X	X		F	F		
5. CAUSTICS		X	X	X		X		X			X	X				X	X	X	X	X	X	X
6. AMMONIA		X	X	X	X			X			X	X				X	X		X	X	X	
7. ALIPHATIC AMINES		X	X	X				X			X	X	X	X	X	X	X		X	X	X	
8. ALKANOLAMINES		X	X	X				X			X	X	X	X	X	X	X	B	X	X		
9. AROMATIC AMINES		X	X	C				X			X	X	X	X	X	X			X			
10. AMIDES		X	X			X					X	X	X						X		X	
11. ORGANIC ANHYDRIDES		X	X		X	X	X	X	X	X		X	X		D							
12. ISOCYANATES		X	X		X	X	X	X	X	X	X									X		X
13. VINYL ACETATE		X	X				X	X	X		X			D								
14. ACRYLATES		X	X				X	X	X													
15. SUBSTITUTED ALLYLS		X	X				X	X	X													
16. ALKYLENE OXIDES		X	X				X	X	X													
17. EPICHLOROHYDRIN		X	X				X	X	X													
18. KETONES		X	X				X	X	X													
19. ALDEHYDES		X	X				X	X	X													
20. ALCOHOLS, GLYCOLS	E	X	X	F		X	X	X				X										
21. PHENOLS, CRESOLS		X	X				X			X												
22. CAPROLACTAM SOLUTION		X					X					X										
30. OLEFINS			X																			
31. PARAFFINS		X	X																			
32. AROMATIC HYDROCARBONS			X																			
33. MISCELLANEOUS HYDROCARBON MIXTURES			X																			
34. ESTERS		X	X																			
35. VINYL HALIDES			X																			
36. HALOGENATED HYDROCARBONS					H		I															
37. NITRILES		X																				
38. CARBON DISULFIDE							X	X														
39. SULFOLANE																						
40. GLYCOL ETHERS																						
41. ETHERS		X	X																			
42. NITROCOMPOUNDS				X	X	X	X	X	X													
43. MISCELLANEOUS WATER SOLUTIONS		X									X											

REACTIVE GROUPS

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
1. NON-OXIDIZING MINERAL ACIDS		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	A	E		X
2. SULFURIC ACID	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
3. NITRIC ACID	X	X			X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
4. ORGANIC ACIDS	X	X			X	X	X	X	C		X	X	X	X		X	X		F	F		
5. CAUSTICS	X	X	X	X		X		X			X	X				X	X	X	X	X	X	X
6. AMMONIA	X	X	X	X	X			X			X	X				X	X		X	X	X	
7. ALIPHATIC AMINES	X	X	X	X				X			X	X	X	X	X	X	X		X	X	X	
8. ALKANOLAMINES	X	X	X	X				X			X	X	X	X	X	X	X	B	X	X		
9. AROMATIC AMINES	X	X	X	C				X			X	X	X	X	X	X			X			
10. AMIDES	X	X	X			X					X	X	X						X		X	
11. ORGANIC ANHYDRIDES	X	X	X		X	X	X	X	X	X		X	X		D							
12. ISOCYANATES	X	X	X	X	X	X	X	X	X	X	X									X		X
13. VINYL ACETATE	X	X	X	X			X	X	X		X			D								
14. ACRYLATES		X	X	X			X	X	X													
15. SUBSTITUTED ALLYLS		X	X	X			X	X	X													
16. ALKYLENE OXIDES	X	X	X	X		X	X	X	X													
17. EPICHLOROHYDRIN	X	X	X	X		X	X	X	X													
18. KETONES		X	X	X			X	X	B													
19. ALDEHYDES	A	X	X	X		X	X	X	X													
20. ALCOHOLS, GLYCOLS	E	X	X	F		X	X	X				X										
21. PHENOLS, CRESOLS		X	X				X			X												
22. CAPROLACTAM SOLUTION		X					X					X										

BILLING CODE 4910-14-C

Footnotes to Figure I

X Incompatible groups.

A Acrolein (19), Crotonaldehyde (19), and 2-Ethyl-3-propyl acrolein (19) are not compatible with Group 1, Non-Oxidizing Mineral Acids.

B Isophorone (18), and Mesityl Oxide (18) are not compatible with Group 8, Alkanolamines.

C Acrylic Acid (4) is not compatible with Group 9, Aromatic Amines.

D Allyl Alcohol (15) is not compatible with Group 12, Isocyanates.

E Furfuryl Alcohol (20) is not compatible with Group 1, Non-oxidizing Mineral Acids.

F Furfuryl Alcohol (20) is not compatible with Group 4, Organic Acids.

H Trichloroethylene (36) is not compatible with Group 5, Caustics.

I Ethylenediamine (7) is not compatible with Ethylene Dichloride (36).

Table I—Alphabetical list of cargoes

Name	Group No.
Acetaldehyde	19
Acetic Acid	4
Acetic Anhydride	11
Acetone	18
Acetonitrile	37
Acrolein (inhibited)	19
Acrylic Acid (inhibited)	4
Acrylonitrile (inhibited)	15
Adiponitrile	37
Allyl Alcohol	15
Allyl Chloride	15
Aminoethylethanolamine	8
Ammonia, Anhydrous	6
Ammonium Hydroxide (28% or less)	6
Ammonium Nitrate, Urea, Water Solutions (containing Ammonia)	6
Ammonium Nitrate, Urea, Water Solutions (not containing Ammonia	43
Amyl Acetate	34
Amyl Alcohol	20
Amyl Tallate	34
Aniline	9
Asphalt	33
Asphalt Blending Stocks:	
Roofers Flux	33
Straight Run Residue	33
Benzene	32
Benzene, Toluene Xylene (crude)	32
Butadiene (inhibited)	30
Butane	31
Butyl Acrylate (inhibited)	14
Butyl Acetate	34
Butyl Alcohol	20
Butylamine	7
Butyl Benzyl Phthalate	34
Butylene	30
1,3-Butylene Glycol	20
Butylene Oxide	16
Butyl Ether	41
Butyl Methacrylate (inhibited)	14
Butyraldehyde	19
Butyric Acid	4
Camphor Oil (light)	18
Caprolactam Solution	22
Carbolic Oil	21
Carbon Disulfide	38
Carbon Tetrachloride	36
Caustic Potash Solution	5
Caustic Soda Solution	5
Chlorine	(1)
Chlorobenzene	36
Chloroform	36
Chlorosulfonic Acid	(1)
Corn Syrup	43
Creosote, Coal Tar	21
Cresols	21
Cresylate Spent Caustic Solution	5
Crotonaldehyde	19
Cumene	32
Cycloaliphatic Resins	31
Cyclohexane	31
Cyclohexanol	20
Cyclohexanone	18
Cyclohexylamine	7
Cymene	32
Decaldehyde	19
Decane	31
Decene	30
Decyl Alcohol	20

Table I—Alphabetical list of cargoes—Continued

Name	Group No.
Decyl Acrylate (inhibited)	14
Decylbenzene	32
Dextrose Solution	43
Diacetone Alcohol	20
Dibutylamine	7
Dibutyl Phthalate	34
Dichlorobenzene	36
Dichlorodifluoromethane	36
1,1-Dichloroethane	36
Dichloroethyl Ether	41
Dichloromethane	36
1,1-Dichloropropane	36
1,2-Dichloropropane	36
1,3-Dichloropropene	15
Dicyclopentadiene	30
Diethanolamine	8
Diethylamine	7
Diethylbenzene	32
Diethylene Glycol	40
Diethylene Glycol Monobutyl Ether	40
Diethylene Glycol Monobutyl Ether Acetate	34
Diethylene Glycol Monoethyl Ether	40
Diethylene Glycol Monomethyl Ether	40
Diethylenetriamine	7
Diethylethanolamine	8
Diheptyl Phthalate	34
Diisobutylene	30
Diisobutyl Carbinol	20
Diisobutyl Ketone	18
Diisodecyl Phthalate	34
Diisopropanolamine	8
Diisopropylamine	7
Dimethylamine	7
Dimethylethanolamine	8
Dimethylformamide	10
Dinonyl Phthalate	34
Dioctyl Phthalate	34
1,4-Dioxane	41
Diphenyl-Diphenyl Oxide	33
Diphenylmethane Diisocyanate	12
Di-n-propylamine	7
Dipropylene Glycol	40
Distillates:	
Straight Run	33
Flashed Feed Stocks	33
Diundecyl Phthalate	34
Dodecane	31
Dodecanol	20
Dodecene	30
Dodecylbenzene	32
Epichlorohydrin	17
Ethane	31
Ethanolamine	8
Ethoxylated Alcohols C_{11}-C_{15}	40
Ethoxy Triglycol	40
Ethyl Acetate	34
Ethyl Alcohol	20
Ethyl Acrylate (inhibited)	14
Ethylamine	7
Ethyl Benzene	32
Ethyl Butanol	20
Ethyl Chloride	36
Ethylene	30
Ethylene Chlorohydrin	20
Ethylene Cyanohydrin	20
Ethylenediamine	7
Ethylene Dibromide	36
Ethylene Dichloride	36
Ethylene Glycol	20
Ethylene Glycol Monobutyl Ether	40
Ethylene Glycol Monobutyl Ether Acetate	34
Ethylene Glycol Monoethyl Ether	40
Ethylene Glycol Monoethyl Ether Acetate	34
Ethylene Glycol Monomethyl Ether	40
Ethylene Oxide	(1)
Ethyl Ether	41
Ethylhexaldehyde	19
2-Ethyl Hexanol	20
2-Ethylhexyl Acrylate (inhibited)	14
Ethyl Hexyl Tallate	34
Ethyl Methacrylate (inhibited)	14
2-Ethyl-3-Propyl Acrolein	19
Formaldehyde Solution (37-50%)	19
Formic Acid	4
Furfural	19
Furfuryl Alcohol	20
Gas Oil:	
Cracked	33
Gasoline Blending Stocks:	
Alkylates	33
Reformates	33

Table I—Alphabetical list of cargoes—Continued

Name	Group No.
Gasolines:	
Casinghead (natural)	33
Automotive (containing over 4.23 grams lead per gallon)	33
Aviation (containing not over 4.86 grams lead per gallon)	33
Polymer	33
Straight Run	33
Glutaraldehyde Solution	19
Glycerine	20
Glycol Diacetate	34
Glyoxal Solution	19
Heptane	31
Hexamethyleneimine	7
Hexane	31
Hexanol	20
Hexene	30
Hexylene Glycol	20
Hydrochloric Acid	1
Hydrofluoric Acid	1
Isophorone	18
Isoprene (inhibited)	30
Jet Fuels:	
JP-1 (Kerosene)	33
JP-3	33
JP-4	33
JP-5 (Kerosene, Heavy)	33
Kerosene	33
Latex, Liquid Synthetic	43
Mesityl Oxide	18
Methane	31
Methyl Acetate	34
Methyl Acetylene, Propadiene Mixture (Stabilized)	30
Methyl Acrylate (Inhibited)	14
Methyl Alcohol	20
Methylamine	7
Methyl Amyl Acetate	34
Methyl Amyl Alcohol	20
Methyl Bromide	36
3-Methyl Butyraldehyde	19
Methyl Chloride	36
Methyl Ethyl Ketone	18
2-Methyl-5-Ethyl Pyridine	9
Methyl Formal (Dimethyl Formal)	41
Methyl Isobutyl Ketone	18
Methyl Isobutyl Carbinol	20
Methyl Methacrylate (inhibited)	14
(alpha-) Methyl Styrene (inhibited)	30
Mineral Spirits	33
Monochlorodifluoromethane	36
Morpholine	7
Motor Fuel Antiknock Compounds Containing Lead Alkyls	(1)
Naphtha:	
Coal Tar	33
Solvent	33
Stoddard Solvent	33
Varnish Markers' and Painters' (75%)	33
Naphthalene (molten)	32
Nitric Acid (70% or less)	3
Nitric Acid (95%)	(1)
Nitrobenzene	42
1- or 2-Nitropropane	42
Nitrotoluene	42
Nonane	31
Nonene	30
Nonyl Alcohol	20
Nonyl Phenol	21
Nonyl Phenol (ethyoxylated)	40
Octane	31
Octene	30
Octyl Alcohol	20
Octyl Aldehyde	19
Octyl Epoxytallate	34
Oils:	
Clarified	33
Coal Oil	33
Crude Oil	33
Diesel Oil	33
Fuel Oils:	
No. 1 (Kerosene)	33
No. 1-D	33
No. 2	33
No. 2-D	33
No. 4	33
No. 5	33
No. 6	33
Residual	33
Road	33
Transformer	33
Edible Oils, including:	
Castor	34
Coconut	34

Table I—Alphabetical list of cargoes—Continued

Name	Group No.
Cotton Seed	34
Fish	34
Lard	34
Olive	34
Palm	34
Peanut	34
Safflower	34
Soya Bean	34
Soybean, Epoxidized	40
Tucum	34
Vegetable	34
Miscellaneous Oils, including:	
Absorption	33
Aromatic	33
Coal Tar	33
Heartcut Distillate	33
Linseed	33
Lubricating	33
Mineral	33
Mineral Seal	33
Motor	33
Neatsfoot	33
Penetrating	33
Range	33
Resin	33
Resinous Petroleum	33
Rosin	33
Sperm	33
Spindle	33
Spray	33
Tall	34
Tanner's	33
Turbine	33
Oleum	(1)
Pentadecanol	20
Pentane	31
Pentene	30
Pentyl Aldehyde	19
Perchloroethylene	36
Petrolatum	33
Petroleum Naphtha	33
Phenol	21
Pentachloroethane	36
Phosphoric Acid	1
Phosphorus	(1)
Phthalic Anhydride (molten)	11
Polybutene	30
Polyethylene Glycols	40
Polymethylene Polypheny isocyanate	12
Polypropylene	30
Polypropylene Glycol Methyl Ether	40
Polypropylene Glycols	40
Propane	31
Propanolamine	8
Propionaldehyde	19
Propionic Acid	4
Propionic Anhydride	11
Propyl Acetate	34
Propyl Alcohol	20
Propylamine	7
Propylene	30
Propylene Butylene Polymer	30
Propylene Glycol	20
Propylene Oxide	16
Propylene Tetramer	30
Propyl Ether	41
Pyridine	9
Sodium Hydrosulfide Solution (45% or less)	5
Sorbitol	20
Styrene (inhibited)	30
Sulfolane	39
Sulfur (molten)	(1)
Sulfuric Acid	2
Sulfuric Acid, Spent	2
Tallow	34
Tallow Fatty Alcohol	20
1,1,2,2-Tetrachloroethane	36
Tetradecanol	20
Tetradecene	30
Tetradecylbenzene	32
Tetraethylene Glycol	40
Tetraethylenepentamine	7
Tetrahydrofuran	41
Tetrahydronaphthalene	32
Tetrasodium Salt of EDTA Solution	43
Toluene	32
Toluene Diisocyanate	12
1,2,4-Trichlorobenzene	36
Trichloroethylene	36
Tridecanol	20
Tridecene	30
Tridecylbenzene	32
Triethanolamine	8
Triethylamine	7
Triethyl Benzene	32
Triethylene Glycol	40
Triethylenetetramine	7
Tripropylene Glycol	40
Turpentine	30
Undecanol	20
Undecene	30
Undecylbenzene	32
Valeraldehyde	19
Vinyl Acetate (inhibited)	13
Vinyl Chloride (inhibited)	35
Vinylidene Chloride (inhibited)	35
Vinyl Toluene (inhibited)	30
Xylene	32

[1] Because of very high reactivity or unusual conditions of carriage, this product is not included in the Compatibility Chart. If compatibility information is needed for a shipment, contact Commandant (G-MHM-3/TP14), U.S. Coast Guard, 2100 Second St. SW., Washington, D.C. 20593 tel. no. (202) 426-6260.

Table II—Groupings of cargoes

1. *Non-Oxidizing Mineral Acids*
   - Hydrochloric Acid
   - Hydrofluoric Acid
   - Phosphoric Acid
2. *Sulfuric Acids*
   - Spent Sulfuric Acid
   - Sulfuric Acid (98% or less)
3. *Nitric Acid*
   - Nitric Acid (70% or less)
4. *Organic Acids*
   - Acetic Acid
   - Butyric Acid
   - Formic Acid
   - Propionic Acid
   - Acrylic Acid (inhibited)
5. *Caustics*
   - Caustic Potash Solution
   - Caustic Soda Solution
   - Cresylate Spent Caustic Solution
   - Sodium Hydrosulfide Solution (45% or less)
6. *Ammonia*
   - Ammonia, Anhydrous
   - Ammonium Hydroxide (28% or less)
   - Ammonium Nitrate, Urea, Water Solutions (containing Ammonia)
7. *Aliphatic Amines*
   - Butylamine
   - Cyclohexylamine
   - Dibutylamine
   - Diethylamine
   - Diethylenetriamine
   - Diisopropylamine
   - Dimethylamine
   - Di-n-propylamine
   - Ethylamine
   - Ethylenediamine
   - Hexamethyleneimine
   - Methylamine
   - Morpholine
   - Propylamine
   - Tetraethylenepentamine
   - Triethylamine
   - Triethylenetetramine
8. *Alkanolamines*
   - Aminoethylethanolamine
   - Diethanolamine
   - Diethylethanolamine
   - Diisopropanolamine
   - Dimethylethanolamine
   - Ethanolamine
   - Propanolamine
   - Triethanolamine
9. *Aromatic Amines*
   - Aniline
   - Pyridine
   - 2-Methyl-5-Ethylpyridine
10. *Amides*
    - Dimethylformamide
11. *Organic Anhydrides*
    - Acetic Anhydride
    - Phthalic Anhydride
    - Propionic Anhydride
12. *Isocyanates*
    - Diphenylmethane Diisocyanate
    - Polyphenyl Polymethyleneisocyanate
    - Toluene Diisocyanate
13. *Vinyl Acetate*
    - Vinyl Acetate (inhibited)
14. *Acrylates*
    - Butyl Acrylate (inhibited)
    - Butyl Methacrylate (inhibited)
    - Decyl Acrylate (inhibited)
    - Ethyl Acrylate (inhibited)
    - 2-Ethylexyl Acrylate (inhibited)
    - Ethyl Methacrylate (inhibited)
    - Methyl Acrylate (inhibited)
    - Methyl Methacrylate (inhibited)
15. *Substituted Allyls*
    - Acrylonitrile (inhibited)
    - Allyl Alcohol
    - Allyl Chloride
    - 1,3-Dichloropropene
16. *Alkylene Oxides*
    - Propylene Oxide
    - Butylene Oxide
17. *Epichlorohydrin*
    - Epichlorohydrin
18. *Ketones*
    - Acetone
    - Camphor Oil
    - Cyclohexanone
    - Diisobutyl Ketone
    - Isophorone
    - Mesityl Oxide
    - Methyl Ethyl Ketone
    - Methyl Isobutyl Ketone
19. *Aldehydes*
    - Acetaldehyde
    - Acrolein (inhibited)
    - Butyraldhyde
    - Crotonaldehyde
    - Decaldhyde
    - Ethylhexaldehyde
    - 2-Ethyl-3-Propyl Acrolein
    - Formaldehyde
    - Furfural
    - Glutaraldeyhyde Solution
    - Glyoxal Solution
    - Methylbutyraldehyde
    - Octyl Adlehyde
    - Pentyl Adlehyde
    - Propionaldehyde
    - Valeraldehyde
20. *Alcohols, Glycols*
    - Amyl Alcohol
    - Butyl Alcohol
    - 1,3-Butylene Glycol
    - Cyclohexanol
    - Decyl Alcohol
    - Diacetone
    - Alcohol Diisobutyl Carbinol
    - Dodecanol
    - Ethanol
    - Ethoxylated Alcohols C_{11}-C_{15}
    - Ethyl Alcohol
    - Ethylbutanol
    - Ethylene Chlorohydrin
    - Ethylene Cyanohydrin

Ethylene Glycol
2-Ethyl Hexanol
Furfuryl Alcohol
Glycerin
Hexanol
Hexylene Glycol
Methanol
Methyl Alcohol
Methylamyl Alcohol
Methylisobutyl Carbinol
Octyl Alcohol
Nonyl Alcohol
Pentadecanol
Propyl Alcohol
Propylene Glycol
Sorbitol
Tallow Fatty Alcohol
Tetradecanol
Tridecanol
Undecanol

21. *Phenols and Cresols*
Carbolic Oil
Creosote, Coal Tar
Cresols
Nonyl Phenol
Phenol

22. *Caprolactam Solution*
Caprolactam Solution

23–29. *Unassigned*

30. *Olefins*
Butadiene (inhibited)
Butene
Butylene
Decene
Dicyclopentadiene
Diisobutylene
Dodecene
Ethylene
Hexene
Isoprene (inhibited)
Methyl Acetylene, Propadiene Mixture (stabilized) (alpha-) Methyl Styrene (inhibited)
Nonene
Octene
Pentene
Polybutene
Polypropylene
Popylene
Propylene Butylene Polymer
Propylene Tetramer
Styrene (inhibited)
Vinyl Toluene (inhibited)
Tetradecene
Tridecene
Turpentine
Undecene

31. *Paraffins*
Butane
Cycloaliphatic Resins
Cyclohexane
Decane
Dodecane
Ethane
Heptane
Hexane
Methane
Nonane
Octane
Pentane
Propane

32. *Aromatic Hydrocarbons*
Benzene
Benzene, Toluene, Xylene (crude)
Cumene
Cymene
Decylbenzene
Diethylbenzene
Dodecylbenzene
Ethylbenzene
Naphthalene
Tetradecylbenzene
Tetrahydronaphthalene
Toluene
Tridecylbenzene
Triethylbenzene
Undecylbenzene
Xylene

33. *Misc. Hydrocarbon Mixtures*
Asphalt
Asphalt Blending Stocks
Diphenyl-Diphenyl Oxide
Distillates
Gas Oil, Cracked
Gasoline Blending Stocks
Gasolines
Jet Fuels
Kerosene
Mineral Spirits
Naphtha
Naphtha, Varnish Makers' and Painters (75%)
Oils, Crude
Oils, Diesel
Oils, Clarified
Oils, Coal
Oils, Fuel (No. 1 through No. 6)
Oils, Residual
Oils, Road
Oils, Transformer
Petrolatum
Petroleum Naphtha

34. *Esters*
Amyl Acetate
Amyl Tallate
Butyl Acetate
Butyl Benzyl Phthalate
Castor Oil
Coconut Oil
Cottonseed Oil
Dibutyl Phthalate
Diethylene Glycol Monobutyl Ether Acetate
Diheptyl Phthalate
Diisodecyl Phthalate
Dinonyl Phthalate
Dioctyl Phthalate
Diundecyl Phthalate
Ethyl Acetate
Ethylene Glycol Monobutyl Ether Acetate
Ethylene Glycol Monoethyl Ether Acetate
Ethylhexyl Tallate
Fish Oil
Glycol Diacetate
Lard
Methyl Acetate
Methyl Amyl Acetate
Octyl Epoxy Tallate
Olive Oil
Palm Oil
Peanut Oil
Propyl Acetate
Safflower Oil
Soybean Oil
Tallow
Tucum Oil
Vegetable Oil

35. *Vinyl Halides*
Vinyl Chloride (inhibited)
Vinylidene Chloride (inhibited)

36. *Halogenated Hydrocarbons*
Carbon Tetrachloride
Chlorobenzene
Chlorodifluoromethane (mone-)
Chloroform
Dichlorobenzene
Dichlorodifluoromethane
1,1-Dichloroethane
Dichloromethane
1,1-Dichloropropane
1,2-Dichloropropane
Ethyl Chloride
Ethylene Dibromide
Ethylene Dichloride
Methyl Bromide
Methyl Chloride
Pentachloroethane
Perchloroethylene
1,1,2,2-Tetrachloroethane
1,2,4-Trichlorobenzene
Trichloroethylene

37. *Nitriles*
Acetonitrile
Adiponitrile

38. *Carbon Disulfide*

39. *Sulfolane*

40. *Glycol Ethers*
Diethylene Glycol
Diethylene Glycol Monobutyl Ether
Diethylene Glycol Monethyl Ether
Diethylene Glycol Monomethyl Ether
Dipropylene Glycol
Ethoxy Triglycol
Ethylene Glycol Monobutyl Ether
Ethylene Glycol Monoethyl Ether
Ethylene Glycol Monomethyl Ether
Nonylphenol, Ethoxylated
Polyethylene Glycols
Polypropylene Glycols
Polypropylene Glycol Methyl Ether
Soybean Oil, Epoxidized
Tetraethylene Glycol
Triethylene Glycol
Tripropylene Glycol

41. *Ethers*
Butyl Ether
Dichloroethylether
1,4-Dioxane
Ethyl Ether
Methyl Formal (Dimethyl Formal)
Propyl Ether
Tetrahydrofuran

42. *Nitrocompounds*
(mono-) Nitrobenzene
1- or 2-Nitropropane
Nitrotoluene

43. *Miscellaneous Water Solutions*
Ammonium Nitrate, Urea, Water Solutions (not containing Ammonia)
Corn Syrup
Dextrose Solution
Latex Solutions
Tetrasodium Salt of EDTA Solution

Appendix I—Exceptions to the Chart

The binary combinations listed below have been tested as prescribed in Appendix III and found not to be dangerously reactive. These combinations are exceptions to the Compatibility Chart (Figure 1) and may be stowed in adjacent tanks.

Member of reactive group	Compatible with—
Caustic soda, 50% or less	Butyl Alcohol. Diacetone Alcohol. Diethylene Glycol. Diethylene Glycol, Ethylene Glycol mixture.

Member of reactive group	Compatible with—
	Ethylene Glycol (pure).
	Ethyl Alcohol.
	Ethyl Hexanol (Octyl Alcohol).
	Methyl Alcohol.
	Propyl Alcohol.
	Propyl Alcohol, Water mixture.
	Propylene Glycol.
Ethylene Diamine	Ethyl Hexanol.
	Isophorone.
	Propyl Alcohol.
	Creosote.
	Propylene Glycol.
	Methyl Ethyl Ketone.
Sulfuric Acid, 98% or less	Choice White Grease.
Acrylonitrile	Triethanolamine.
Dodecyl and Tetradecylamine mixture.	Tall Oil Fatty Acid.

Appendix II—Explanation of Figure I

Definition of a hazardous reaction—As a first approximation, a mixture of two cargoes is considered hazardous when, under specified condition, the temperature rise of the mixture exceeds 25°C or a gas is evolved. It is possible for the reaction of two cargoes to produce a product that is significantly more flammable to toxic than the original cargoes even though the reaction is non-hazardous from temperature or pressure considerations, although no examples of such a reaction are known at this time.

Chart format—There are different degrees of reactivity among the various cargoes. Many of them are relatively non-reactive: for example, aromatic hydrocarbons or paraffins. Others will form hazardous combinations with many groups: for example, the inorganic acids.

The cargo groups in the capatibility chart are separated into two categories: 1 through 22 are "Reactive Groups" and 30 through 43 are "Cargo Groups". Left unassigned and available for future expansion are groups 23 through 29 and those past 43. Reactive Groups contain products which are chemically the most reactive; dangerous combinations may result between members of different Reactive Groups and between members of Reactive Groups and Cargo Groups. Products assigned to Cargo Groups, however, are much less reactive; dangerous combinations involving these can be formed only with members of certain Reactive Groups. Cargo Groups do not react hazardously with one another.

Using the Compatibility Chart—The following procedure explains how the compatibility chart should be used to find compatibility infomation:

(1) Determine the group numbers of the two cargoes by referring to the alphabetical listing of cargoes and the corresponding groups (Table I). Many cargoes are listed under their parent names; unless otherwise indicated, isomers or mixtures of isomers of a particular cargo are assigned to the same group. For example, to find the group number for Isobutyl Alcohol, look under the parent name Butyl Alcohol. Similarly, the group number for para-Xylene is found under the entry Xylene. If a cargo cannot be found in this listing, contact the Coast Guard for a group determination (see § 150.140).

(2) If both group numbers are between 30 and 43 inclusive, the products are compatible and the chart need not be used.

(3) If both group numbers do not fall between 30 and 43 inclusive, locate one of the numbers on the left of the chart (Cargo Groups) and the other across the top (Reactive Groups). (Note that if a group number is between 30 and 43, it can only be found on the left side of the chart.) The box formed by the intersection of the column and row containing the two numbers will contain one of the following:

(a) *blank*—The two cargoes are compatible.

(b) "x"—The two cargoes are not compatible.

(c) *a letter other than* "x"—Reactivity varies among the group members. Refer to the footnotes following the chart to find whether the products in question are included in the footnotes. Unless the combination is specifically mentioned in these footnotes, it is compatible.

Examples

Combination	Groups	Compatible
Butyraldehyde/Acetic Acid	19/4	Yes.
Allyl Alcohol/Toluene Diisocyanate	15/12	No.
Decene/Ethyl Benzene	30/32	Yes.
Ethanolamine/Acetone	8/18	Yes.
Ammonia/Dimethylformamide	6/10	No.

Appendix III—Testing Procedures for Determining Exceptions to the Chart

Experimental Procedure for Evaluating Binary Chemical reactivity

General Safety Precautions—Chemical reactivity tests have, by their nature, serious potential for injuring the experimenter or destroying equipment. The experimenter should 1) have knowledge of the magnitude of the reactivity to be expected, 2) use adequate facilities and protective equipment to prevent injury from splatter of materials or release of fumes, and 3) start on a small scale so that unexpected reactions can be safely contained. All tests should be performed in a well-ventilated laboratory hood provided with shields.

Testing Chemicals other than Liquids—The procedure outlined below was developed for chemicals which are liquids at ambient temperatures. If one or both chemicals are normally shipped at elevated temperatures, the same procedure may be followed except the chemicals are tested at their respective shipping temperatures and the oil bath in Step 3 is maintained at a level 25°C above the higher temperature. This information is then indicated on the data sheet. If one of the chemicals is a gas at ambient temperatures, consult the Coast Guard for additional instructions before proceeding with the compatibility test.

Step 1

Objective—To determine if the test chemicals react violently and present a safety hazard in further tests.

Procedure—Place 0.5ml of one (A) of the test chemicals in a 25×150mm test tube. Clamp the test tube to a stand behind a safety shield (in a hood). Carefully add from a dropper 0.5ml of the other substance (B). Shake to induce mixing. If no immediate reaction occurs, retain the mixture for at least 10 minutes to check for a delayed reaction.

Results—If a violent reaction occurs, such as sputtering, boiling of reactants or release of fumes, record the results on the Data Sheet (appendix IV) and do not proceed to Step 2. If no reaction or a minor reaction occurs, proceed to Step 2.

Step 2

Objective—To determine the heat of reaction of two chemicals on mixing under specified conditions.

Procedure—Three separate mixes of the proposed binary combination will be tested. These are 2ml: 18ml, 10ml: 19ml, and 10ml: 2ml, respectively, to result in a final mixture of about 20ml in each case.

A reference-junctioned thermocouple is prepared by inserting two lengths of 20 gauge or finer iron-constantan or chromelalumel duplex thermocouple wire into glass capililary sheaths. The common wire of each probe is joined, while the other wire of each is connected to a strip-chart recorder. The thermocouple probe which produces a negative pen deflection upon warming is the reference junction and is placed in a test tube of water at ambient laboratory temparature. The other probe is placed near the bottom of a Dewar flask of about 300ml capacity, such that the thermocouple will be below the surface of the test mixture. The Dewar flask is equpped with a magnetic stirrer having a stirring bar coated with an inert material such as a flourinated hydrocarbon.

Start the temperature recorder and stirrer. Deliver the test chemicals to the Dewar Flask simultaneously from separate graduated syringes. If an exothermic reaction occurs, continue the test until the maximum temperature is reached and begins to subside. If no apparent reaction occurs, continue the test for at least 30 minutes to check for a delayed reaction. Stop agitation and observe the mixture at five-minute intervals to determine if the mixture is miscible, if gases are evolved, or if other visible changes occur. In the interest of safety, a mirror can be used for these observations. Repeat the above test for the other mixture combinations.

Results—Record the results in the appropriate places on the Date Sheet. If no reaction occurs or if the temperature rise is less than 25°C, proceed to Step 3. If the observed temperature rise exceeds 25°C or gases are evolved, do not proceed to Step 3.

Step 3

Objective—To determine if exothermic reactions occur at temperatures up to 50°C.

Procedure—If a non-hazardous reaction occurred in Step 2, the ratio of chemicals which resulted in the greatest temperature rise will be tested. Fresh chemicals will be used with a total volume for this test of about 10ml (a ratio of 1ml:9ml, 5ml:5ml, or 9ml:1ml). If no reaction was observed in Step 2, use a ration of 5ml:5ml. Using the thermocouple perpared for Step 2, insert the reference probe into a 25×150mm test tube containing 10ml of water. Place the other probe into an empty test tube. Start the temperature recorder and add the two chemicals of the combination, one at a time, to the empty test tube. Lower the two test tubes into an oil bath maintain at 50 ± 2°C. Hold the samples in the oil bath until the maximum temperature differential is recorded, and in all cases at least 15 minutes. Observe the test

mixture to determine if gases are evolved or if other visible changes occur. Follow prescribed safety precautions.

Results—Record the maximum differential temperature measured, the time required to reach this temperature, and any other observations in the proper space on the Data Sheet.

Send a copy of the Data Sheet for each binary chemical mixture tested to: Commandant (G-MHM-3/TP14), U.S. Coast Guard, 2100 Second St., S.W., Washington, D.C. 20593.

BILLING CODE 4910-14-M

Appendix IV - Data sheet

CHEMICAL REACTIVITY TEST DATA

Chemicals: A _____ B _____

Synonyms: _____ _____

Formula: _____ _____

Description of Products:	A	B
Manufacturer		
Sample Source		
Composition (by weight %)		
Inhibitors or Stabilizers		

Deviations from Prescribed Method (including special equipment)	

Step Number 1

Products miscible? _____ Gases evolved? _____

Other Observations:

Step Number 2

A/B Ratio:	2/18	10/10	18/2
Initial Temperature			
Maximum ΔT			
Time to reach Max. Temp.			
Products miscible?			
Gases evolved?			
Other Observations			

Size of Dewar Flask (inside measurements): Width _____mm Height _____mm

Step Number 3

A/B Ratio	
Oil Bath Temperature	
Maximum ΔT	
Time to reach Max. Temp.	
Gases evolved?	
Other Observations	

Date of Test: _____

Submitting Organization: _____

Test Data Approved By: _____

BILLING CODE 4910-14-C

PART 151—UNMANNED BARGES CARRYING CERTAIN BULK DANGEROUS CARGOES

2. By deleting 151.13–5(b), 151.13–10, and 151.45–4(d)(11).

PART 153—SAFETY RULES FOR SELF-PROPELLED VESSELS CARRYING HAZARDOUS LIQUIDS

3. By deleting § 153.963.

PART 154—SAFETY STANDARDS FOR SELF-PROPELLED VESSELS CARRYING BULK LIQUEFIED GASES

4. By deleting § 154.1832.

(46 U.S.C. 392a; 49 U.S.C. 1803; 49 CFR 1.46(n)(4) and (t))

Dated: March 11, 1980.

J. B. Hayes,

Admiral, U.S. Coast Guard Commandant.

[FR Doc. 80-8207 Filed 3-26-80; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 63

[CC Docket No. 78-72]

MTS and WATS Market Structure; Order Suspending Deadline for Filing Requests for Information

AGENCY: Federal Communications Commission.

ACTION: Suspension of time for the filing of request for information.

SUMMARY: The filing date for requests for information has been suspended pending further notice.

DATES: Suspension effective March 20, 1980.

ADDRESSES: Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Carl Lawson, Common Carrier Bureau (202) 632-9342

SUPPLEMENTARY INFORMATION:

[CC Docket No. 78-72]

Adopted: March 19, 1980.

Released: March 20, 1980.

By the Chief, Common Carrier Bureau:

In the Matter of MTS and WATS Market Structure.

1. A preliminary review of the industry model comments filed in this proceeding on March 3, 1980, indicates that it may be necessary for the Commission to reevaluate the nature and scope of this proceeding. That reevaluation conceivably might lead to the rescission or modification of the invitation to file requests for information with the Chief of the Common Carrier Bureau pursuant to Paragraph 43 of the *Supplemental Notice of Inquiry and Proposed Rulemaking*, 73 F.C.C. 2d 222, 244 (1979). Such requests for information are presently due on or before May 2, 1980. The suspension of that deadline will permit participants to defer preparation of such requests for information until the Commission has completed its reevaluation of the scope of the proceeding.

2. Accordingly, it is ordered, pursuant to the authority delegated in Section 0.291 of the Commission's Rules and Regulations, 47 C.F.R. 80.291, and the authority delegated in Paragraph 43 of the *Supplemental Notice of Inquiry and Proposed Rulemaking* in this proceeding, that the deadline for filing requests for information with the Chief of the Common Carrier Bureau is suspended until further notice.

Federal Communications Commission.

Philip L. Verveer,

Chief, Common Carrier Bureau.

[FR Doc. 80-9418 Filed 3-26-80; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 80-27; RM-3275]

FM Broadcast Station in Snowmass Village, Colo.; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: Action taken herein extends the time for filing comments and reply comments in a proceeding involving the assignment of an FM channel to Snowmass Village, Colorado. Pitkin County Broadcasters, Inc., requested the additional time to enable it to file its engineering data.

DATES: Comments must be filed on or before April 24, 1980, and reply comments must be filed on or before May 14, 1980.

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

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

[BC Docket No. 80-27; RM-3275]

Adopted: March 18, 1980.

Released: March 20, 1980.

By the Chief, Policy and Rules Division:

In the matter of Amendment of Section 73.202(b), Table of Assignments, FM Broadcast Stations. (Snowmass Village, Colorado). Order extending time for filing comments and reply comments.

1. On January 22, 1980, the Commission adopted a *Notice of Proposed Rule Making*, 45 Fed. Reg. 6967, concerning the above-entitled proceeding. The dates for filing comments and reply comments are March 24, and April 14, 1980, respectively.

2. On March 17, 1980, counsel for Pitkin County Broadcasters, Inc., filed a timely request seeking an extension of time for filing comments to and including April 24, 1980. Counsel states that due to the illness and hospitalization of his client's consulting engineer, supporting engineering data cannot be made available in time for filing by March 24th.

3. We are of the view that the public interest would be served by this extension so that Pitkin County Broadcasters, Inc., may file any information which might be helpful to the Commission in reaching a decision in this proceeding. Also, as a result, it is necessary to extend the reply comment date.

4. Accordingly, it is ordered, That the dates for filing comments and reply comments in BC Docket No. 80-27 are extended to and including April 24, 1980, and May 14, 1980, respectively.

5. This action is taken pursuant to authority found in Sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 80-9379 Filed 3-26-80; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 192 and Part 195

[Docket PS-66; Notice 1]

Transportation of Natural and Other Gas by Pipeline, Transportation of Liquids by Pipeline; Placing Longitudinal Weld Seams in Upper Half of Pipe

AGENCY: Materials Transportation Bureau (MTB)

ACTION: Advance notice of proposed rulemaking.

SUMMARY: This advance notice of proposed rulemaking invites comments

on a recommendation by the National Transportation Safety Board (NTSB) to locate longitudinal weld seams in the upper half of the pipe as a means to reduce the potential for pipeline failures caused by corrosion in the longitudinal weld seams. Comments are solicited concerning the application of this recommendation to gas pipelines subject to Part 192 as well as interstate and intrastate pipeline facilities transporting hazardous liquids, as those terms are defined by the Hazardous Liquid Pipeline Safety Act of 1979.

DATE: Comments must be filed by May 30, 1980. Late filed comments will be considered so far as practicable.

ADDRESS: Comments should be sent in triplicate to: Dockets Branch, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590. Comments will be available for review at the Docket Branch, Room 8426, Nassif Building, 400 7th Street, S.W., Washington, D.C. 20590, between 8:30 a.m. and 5:00 p.m. each working day.

FOR FURTHER INFORMATION CONTACT: Frank Robinson (202) 426–2392.

SUPPLEMENTARY INFORMATION: This advance notice of proposed rulemaking invites public comment on a recommendation made in two accident reports issued by the National Transportation Safety Board. The recommendation concerns placement of the longitudinal weld seams in the upper half of the pipe to minimize corrosion to the weld seam and the heat affected zone caused by corrosive elements that may be present in the bottom of the pipe.

One accident report, "Phillips Pipe Line Company, Propane Gas Explosion, Franklin County, Missouri, December 9, 1970 (NTSB–PAR–72–1)," concerned the rupture of a pipeline transporting liquid propane. The Board found the probable cause of the accident to be the rupture of an insufficiently bonded longitudinal weld further weakened by internal corrosions. During construction, the longitudinal welds were positioned in a random manner. Commodities with a significant water content and free water were present in the pipeline for 17 years. The water initiated a corrosion attack on the bottom of the pipe and on those longitudinal welds lying on the bottom of the pipe. In order to avoid failures of this type, the report recommended that Part 195 be amended to require longitudinal welds to be placed in the upper half of the pipe during construction or during pipe replacement.

The other accident report, "Texas Oil and Gas Corporation, 6-inch Natural Gas Gathering Pipeline Failure, Meridian, Missouri, May 21, 1974 (NTSB–PAR–76–1)," analyzes and describes a rupture and fire on a 6-inch gas gathering line near Meridian Mississippi, May 21, 1974.

The Board found that the probable cause of the accident was the rupture of a pipe which had been weakened by internal corrosion and hydrogen embrittlement. The internal corrosion was caused by an accumulation of water in the bottom of the pipe which combined with hydrogen sulfide and carbon dioxide in the natural gas and formed an acid. The location of the longitudinal seam weld at the bottom of the pipe in contact with the acid further weakened the pipe according to the report.

The report made several recommendations among which was one recommendation to Texas Oil and Gas Corporation to install pipe used in the construction or repair of its gas gathering lines with the longitudinal weld seam on the top half of the pipe.

Both of the reports just described are available to the public in the docket and through the National Technical Information Services, Springfield, Virginia 22151.

The MTB is considering the recommendation to locate the longitudinal weld seams in the upper half of the pipe. To make a proper evaluation of this recommendation, to define the safety problem, and to weigh the technical feasibility and economic practicability of the recommendation, the MTB needs more information than is presently available. The MTB is issuing this advance notice of proposed rulemaking as a means of getting the information it needs. This advance notice is not a proposal to change the regulations. Its only function is to generate information to use in evaluating the recommendation. If the information leads to the conclusion that the regulations should be amended, the MTB will publish a notice of proposed rulemaking setting forth the proposed changes and inviting comment on those proposals.

Each person should feel free to comment on any aspect of the recommendation, but the MTB specifically invites comments on the following: (1) Is industry experience with failures in the longitudinal weld seam consistent with the NTSB reports? (2) Is the recommendation applicable to modern pipe steels and welding techniques? (3) Would placing the longitudinal seam in the upper half of the pipe make bending the pipe or welding the pipe more difficult? (4) If corrosion in the longitudinal weld seam is a cause of or contributing factor to the cause of accidents, are there means other than locating the weld seams in the upper hald of the pipe which would prevent accidents, such as use of corrosion inhibitors or more frequent pigging? (5) Is corrosion in the longitudinal weld seam associated with the transportation of some commodities only? (6) Are there other safety advantages to this recommendation, such as facilitating the discovery of leaks in the longitudinal seams during hydrostatic tests? (7) What difficulties would an operator confront, either offshore or onshore, in placing longitudinal seams in the upper half of pipe? (8) What would be the costs resulting from a requirement to locate the longitudinal weld seams in the upper half of the pipe?

(49 USC 1672; 49 USC 1804, for offshore gas gathering lines; Section 203 of the Hazardous Liquid Pipeline Safety Act of 1979 (Title II of Pub. L. 96–129, November 30, 1979, 93 Stat. 1003); 49 CFR 1.53 (a), Appendix A of Part 1 and Appendix A of Part 106)

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

Cesar De Leon,

Associate Director for Pipeline Safety Regulation, Materials Transportation Bureau.

[FR Doc. 80–8959 Filed 3–26–80; 8:45 am]

BILLING CODE 4910–60–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

Foreign Fishing Regulations; Proposed Waiver of Fishing Fees

AGENCY: National Oceanic and Atmospheric Administration (NOAA)/ Commerce.

SUMMARY: In two instances, unforeseen events have caused radical changes in foreign commercial fishing strategies for 1980. The Assistant Administrator for Fisheries, NOAA, has reviewed each case and has tentatively decided to waive the provisions of 50 CFR 611.22 so that certain vessel permit fees may be refunded to the U.S.S.R. and Japan. The Assistant Administrator has also decided to receive other refund requests should other countries find themselves similarly affected.

DATE: Comments are invited until April 15, 1980. Comments should be sent to Mr. Denton R. Moore, whose address is listed below. Please mark "Fishing Fees Waiver" on the envelope.

FOR FURTHER INFORMATION CONTACT: Mr. Denton R. Moore, Acting Chief, Permits and Regulations Division, National Marine Fisheries Service, 3300

Whitehaven, Street, Washington, DC 20235 Telephone: (202) 634–7432

SUPPLEMENTARY INFORMATION: The foreign fishing regulations published on December 26, 1979 (44 FR 76295) state that foreign vessel permit applications submitted on or after January 15, 1980 must be accompanied by the appropriate permit fees (see § 611.22(a)(1)(ii)). Those regulations also state that permit fees will be refunded only if the applications subsequently are not approved (see § 611.22(a)(1)(i)). Applications received before January 15, 1980, could have been withdrawn before that date if permits had not been issued, and any advance payment of permit fees would have been refunded. The reason for not refunding permit fees paid after January 15, 1980, is to reduce the enormous amount of time and paper work involved previously in processing applications subsequently withdrawn by foreign nations.

In the case of permits for which fee payments have been made and the permits issued, the regulations only provide for substitution of like vessels when the original vessels become disabled or otherwise cannot participate in the fishery.

The Assistant Administrator has tentatively decided to waive the requirement that permit fees are not refundable in the following two specific instances based upon the reasons stated in each case.

I. U.S.S.R.

The Soviet Union applied for and received permits for 80 catcher vessels, 37 other support vessels and one processing vessel prior to January 15, 1980. The permits authorized certain fishing activities in the Gulf of Alaska groundfish fishery and the Bering Sea and Aleutian Islands groundfish and herring fishery (BSA). On January 4, 1980, President Carter announced that the Soviet Union's preliminary allocations in the Bering Sea and Aleutian Islands fishery were not being made final. On January 18, 1980, a letter from the Soviet Union was received requesting that certain permit fees be refunded based upon the denial of a U.S.S.R. quota. Because the President's action served to deny the final 1980 allocation of 199,703 metric tons to the Soviets in the Bering Sea and Aleutian Islands fishery, the Assistant Administrator proposes to grant the U.S.S.R.'s request and to refund the permit fees and cancel the permits for 55 vessels. (Sixty-three Soviet vessels will remain permitted to fish for an allocation made in 1979 in the Gulf of Alaska and to support U.S. fishermen in "joint ventures.")

II. Japan

The Japan Fisheries Association originally obtained permits for 15 vessels to be used in the tanner crab fisheries of the Bering Sea in 1980. This was the same number of vessels which had been employed in that fishery in 1979. However, the allocation of Tanner crab was unexpectedly cut by 50 percent (from 15,000 m.t. in 1979 to 7,500 m.t. in 1980). Consequently, on January 14, 1980, the Japan Fisheries Association requested a refund of permit fees for 9 of those vessels. The Assistant Administrator proposes to grant the refund request and to cancel the permits for the 9 vessels, because the 1980 allocations were significantly lower than originally expected at the time the Japanese paid for and received their permits.

III. Other Nations

If other foreign nations believe themselves to be similarly disadvantaged because of unexpectedly reduced allocations they may also make application for vessel permit fee refunds by April 15, 1980.

Foreign nations are advised that there is no expectation that similar waivers will be granted in 1981 or beyond. These special waivers are being proposed in part because of possible confusion arising out of implementation of the new advance-payment procedural requirement in § 611.22(a)(1).

Signed at Washington, D.C. this 25th day of March 1980.

(16 U.S.C. 1801 *et seq.*)

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80-9302 Filed 3-26-80; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 45, No. 61
Thursday, March 27, 1980

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Ratemaking and Economic Regulation; Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Committee on Ratemaking and Economic Regulation of the Administrative Conference of the United States, to be held at 1:30 p.m., Monday, April 14, 1980 in the Library of the Conference, 2120 L Street, NW., Suite 500, Washington, D.C.

The Committee will meet to discuss tentative recommendations on remedial order procedures at the Department of Energy.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Office of the Chairman of the Administrative Conference at least two days in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting. Any member of the public may file a written statement with the committee before, during or after the meeting.

For further information concerning this meeting, contact William C. Bush at the Office of the Chairman of the Administrative Conference, 2120 L Street, NW., Suite 500, Washington, D.C. 20037 (202–254–7020). Minutes of the meeting will be available on request.

Richard K. Berg,

Executive Secretary.

[FR Doc. 80–9085 Filed 3–26–80; 8:45 am]

BILLING CODE 6110–01–M

DEPARTMENT OF AGRICULTURE

Forest Service

Deerlodge National Forest Grazing Advisory Board, Meeting

March 19, 1980.

The Deerlodge National Forest Grazing Advisory Board will meet at 10:00 a.m., Friday, April 25, 1980, in room 315 of the Federal Building, Corner of Main and Copper Streets, Butte, Montana. The purpose of the meeting is to adopt bylaws and to establish procedures for review of range improvement fund distribution.

Frank E. Salomonsen,

Forest Supervisor.

[FR Doc. 80–9347 Filed 3–26–80; 8:45 am]

BILLING CODE 3410–11–M

Finding of No Significant Impact; Control of Undesirable Species of Vegetation for the Purpose of Preparing Site for Planting and Release of Planted Seedlings Using Glyphosate (Roundup), Fosamine (Krenite), and Velpar Herbicide

An environmental assessment that discusses the proposed vegetative management on the Steamboat Ranger District involving the control of competing vegetation on 901 acres of conifer plantation has been prepared. All proposed treatment areas are located on lands administered by the Umpqua National Forest within Douglas (488 acres) and Lane (413 acres) Counties, Oregon. The report is available for public review at the Steamboat Ranger District Office and the Umpqua National Forest Office in Roseburg, Oregon.

This project involves hand application with backpack sprayer of herbicide on 226 acres, and aerial application with helicopter on 640 acres, and 35 acres of hand or aerial application on forest land for the purpose of reducing moisture competition and release for planted trees. Velpar will be applied in the spring by aerial or hand on 35 acres. Glyphosate will be applied in the fall by aerial on 559 acres and by hand on 134 acres. Fosamine will be applied in the fall by aerial on 81 acres and by hand on 92 acres. No wetlands or flood plains are involved.

I have determined through the environmental assessment analysis that this is not a major Federal action significantly affecting the quality of the human environment. Therefore, it has been determined that an environmental impact statement is not needed.

This determination was based upon consideration of the following factors which are discussed in detail in the environmental assessment: (a) There will be no irreversible or irretrievable loss of resource on the project areas, (b) the physical and biologial effects are limited to the project areas, and (c) no known threatened or endangered plants or animals have been recorded or observed within the project area.

Some public concern exists over the use of any chemical and the effect it has on water quality. The proposed project includes application measures designed to protect non-target areas and the water quality. State and Federal water quality standards will be met.

No action will be taken prior to April 28, 1980.

The responsible official is R. D. Swartzlender, Forest Supervisor, Umpqua National Forest, P.O. Box 1008, Roseburg, Oregon 97470.

Dated: March 14, 1980.

R. D. Swartzlender,

Forest Supervisor.

[FR Doc. 80–9230 Filed 3–26–80; 8:45 am]

BILLING CODE 3410–11–M

Science and Education Administration

Cooperative Forestry Research Advisory Board and Advisory Committee

In accordance with the Federal Advisory Committee Act of October 6, 1972 (Public Law 92–463, 86 Stat. 770–776), the Science and Education Administration announces the following meeting:

NAME: Cooperative Forestry Research Advisory Board and Advisory Committee.

TIME: April 22, 1980, 8:00 a.m.–April 24, 1980, 12:00 noon.

Joint Sessions Board and Committee: April 22, 1980—8:30 a.m.–3:00 p.m. and April 24, 1980—10:00 a.m.–12:00 noon.

PLACE: Hobcaw Barony, Georgetown, South Carolina Committee and Joint Sessions—Conference Room Board—Library.

TYPE OF MEETING: Open to the public. Persons may participate in the meeting as time as space permit.

COMMENTS: Written statements may be filed with the Committee or Board before or after the meeting with the contact persons listed below and names of Board and Committee members may be obtained from them.

PURPOSE: The Advisory Board, in separate meeting, will consider recommendations on the allocation of research funds. The Advisory Committee, in separate meeting, will review program information, evaluate program activities, and identify research priorities. In joint sessions, the Board and Committee will review progress in regional-national planning and develop recommendations. Research of the host institution will be described and discussed with the Board and Committee.

CONTACT PERSON FOR AGENDA AND MORE INFORMATION: Executive Secretary of the Board: W. I. Thomas (202) 447–4423. Executive Secretary of the Committee: J. D. Sullivan (202) 447–3555.

Science and Education Administration, Cooperative Research, U.S. Department of Agriculture, Washington, D.C. 20250.

Done at Washington, D.C., this 20th day of March, 1980.

Anson R. Bertrand,

Director, Science and Education.

[FR Doc. 80-9307 Filed 3-26-80; 8:45 am]

BILLING CODE 3410-22-M

CIVIL AERONAUTICS BOARD

[Docket 26373]

Aerolineas El Salvador, S.A.; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice or order to show cause: Order 80–3–129.

SUMMARY: The Board proposes to approve the following application: Applicant: Aerolineas El Salvador, S.A. Application date: January 31, 1974, Docket: 26373, September 5, 1979. Authority sought: Renewal of foreign air carrier permit authorizing foreign air transportation of property and mail between El Salvador and Miami, Florida.

OBJECTIONS: All interested persons having objections to the Board's tenative findings and conclusions that this authority should be granted, as described in the order cited above, shall, NO LATER THAN April 17, 1980, file a statement of such objections with the Civil Aeronautics Board (20 copies) and mail copies to the applicant, the Department of Transportation, the Department of State and the Ambassador of El Salvador in Washington, D.C. A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the Secretary of the Board will enter an order which will, subject to disapproval by the President, make final the Board's tentative findings and conclusions and issue the proposed permit.

ADDRESSES FOR OBJECTIONS:

Docket 26373, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. Applicant: David L. Vaughan, Koteen & Burt, Attorneys for Aerolineas, El Salvador, S.A., 1150 Connecticut Ave. NW., Washington, D.C. 20036.

To get a copy of the complete order, request it from the C.A.B. Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION: CONTACT: The Regulatory Affairs Division of the Bureau of International Aviation, Civil Aeronautics Board; (202) 673–5211.

By the Civil Aeronautics Board: March 20, 1980.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-9285 Filed 3-26-80; 8:45 am]

BILLING CODE 6320-01-M

[Order 80–3–121; Docket 36941]

Boston Environmental Study; Order Denying Petitions for Reconsideration of Order 79–10–133

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 20th day of March, 1980.

We established the Boston Environmental Study by Order 79–10–133 on October 22, 1979. That order deferred action on all grants of new authority at Boston and directed the staff to prepare an environmental assessment of the effects of multiple authority on Boston's Logan Airport and surrounding neighborhoods.

Northwest Airlines and the Massachusetts Aeronautics Commission have filed petitions for reconsideration of Order 79–10–133.

Northwest requested that we reconsider the deferral of Boston authority as it affects one of its international flights.[1] It presently has three weekly Boston-Prestwick, Scotland, round trips and has requested authority to permit a stop at Shannon, Ireland, twice a week on the already scheduled flights to Scotland. The requested stop at Shannon would not change Northwest's Boston operations.

The Massachusetts Aeronautics Commission (MAC) requested us to reconsider our decision to defer authority at Boston on the grounds that the deferral may harm the local economy. The MAC petition for reconsideration has the support of the Governor of Massachusetts, the Massachusetts Secretary of the Executive Office of Transportation and Construction, and three business-oriented associations: The Greater Boston Chamber of Commerce, the New England Council, and Associated Industries of Massachusetts. Their petition challenges the deferral as a route moratorium and argues that Order 79–10–133 contravenes the Airline Deregulation Act of 1978 and makes us a party to Massport's alleged discrimination.

We affirm our decision to defer temporarily the grant of new Boston route authority. Our deferral of Boston awards is based on our obligations and authority under the National Environmental Policy Act of 1969 (NEPA). NEPA obligates all federal agencies to administer their policies, regulations, and statutes in accord with the environmental policies set forth in that Act. The Airline Deregulation Act did not alter our general obligation to consider the environmental effects of our actions before we take them. We must reconcile this responsibility with our obligation to apply the Federal Aviation Act's new standards for the grant of route authority. This is what we have attempted to do here.

NEPA generally requires that no federal action that would significantly affect the quality of the human environment be taken prior to disclosure of the environmental effects of that federal action. Cognizant of the environmental questions concerning Logan International Airport, we temporarily deferred action pending the investigation of whether new authority at Boston is a "major federal action significantly affecting the quality of the human environment." After the determination of the environmental effects, we can balance them against the economic cost of any action we might take to alleviate any adverse environmental effects. We believe that to continue routinely to make awards at Logan before the determination has

[1] Northwest has also filed an exemption application, Docket 36609, requesting the same authority to stop at Shannon. That request has been granted. Order 80–1–132, issued under delegated authority January 21, 1980.

been completed would be fundamentally at odds with NEPA.

MAC alleges that Order 79–10–133 was erroneous because it responds to the allegedly unconstitutional and discriminatory position Massport has taken. While we have taken seriously Massport's environmental concerns, our decision to study the environmental effect of increased route authority at Boston was based on our statutory obligations under NEPA, and our decision to review carefully the impact of new authority at Boston is valid whether or not Massport's conduct is improperly motivated.

MAC further alleges that we are prevented from deferring action in a route case because under the Deregulation Act new awards are "presumed to be consistent with the public convenience and necessity." The Deregulation Act provides for a transition to the complete marketplace regulation of routes. Under the previous regulatory system, the burden was on the applicant to show that the proposed service was required by the public convenience and necessity. During the transition period there is a rebuttable presumption in favor of new applications, which shifts the burden of proof from the applicant to the opponent. However, there remains the requirement that we determine that the service is consistent with the public convenience and necessity.[2] Environmental considerations are part of that determination, and we have an obligation to consider environmental concerns in our decisions.[3]

Within statutory limits, we retain the discretion to regulate the time for processing applications. We decided in the order establishing the Boston Environmental Study that a deferral of decisions on new Boston authority was the best course in light of our obligations under NEPA and *Palisades*. MAC has presented nothing to convince us that this decision should be reversed.

This is not an indefinite deferral of route authority. We have circulated our staff's environmental assessment for public comments which are due on April 7, 1980.[4] We will consider the staff study in light of those comments. For the interim period, we explicitly left open the possibility of granting exemption applications where unusual circumstances were demonstrated. To date, two exemption applications have been filed, and both granted.[5]

Accordingly, 1. We dismiss the petition for reconsideration of Northwest and deny that of the MAC; and

2. We will serve a copy of this order on all carriers listed in Appendix A of Order 79–10–133, Massachusetts Port Authority, Mayor of Boston; Massachusetts Aeronautics Commission; and the Airport Manager Logan International Airport.

We will publish this order in the **Federal Register**.

By the Civil Aeronautics Board.[6]

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-9263 Filed 3-26-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket 37481]

Capitol International Airways, Inc.; Scheduled Flight Cancellations; Prehearing Conference

Notice is hereby given that a prehearing conference will be held in the above-entitled matter on April 11, 1980, at 1:30 p.m. (local time), in Room 1003, Hearing Room B, North Universal Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before the undersigned administrative law judge.

Argument concerning the motion filed by the Bureau of Consumer Protection on March 4, 1980, requesting consolidation of this proceeding with the consolidated proceedings in Dockets 36446 and 36946 will be entertained. Other matters to be presented and discussed will include simplification of the issues, offers of proof and stipulations as to facts, authentication of documents, future procedural dates, and such other matters as will contribute to the orderly and prompt conduct of this proceeding.

Dated at Washington, D.C., March 20, 1980.

Elias C. Rodriguez,

Administrative Law Judge.

[FR Doc. 80-9720 Filed 3-26-80; 8:45 am]

BILLING CODE 6320-01-M

[Dockets 36446 and 36946]

Lester Cohen and Stacey Schlau v. Capitol International Airways, Inc., and Gregory James Tharp v. Capitol International Airways, Inc.; Prehearing Conference

Notice is hereby given that a prehearing conference will be held in the above-entitled cases on April 11, 1980, at 9:30 a.m. (local time), in Room 1003, Hearing Room B, North Universal Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before the undersigned administrative law judge.

Matters to be presented and discussed will include simplification of the issues, offers of proof and stipulations as to facts, authentication of documents, future procedural dates, and such other matters as will contribute to the orderly and prompt conduct of this proceeding.

Dated at Washington, D.C., March 20, 1980.

Elias C. Rodriguez,

Administrative Law Judge.

[FR Doc. 80-9269 Filed 3-26-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket 37873]

Golden West Airlines, Inc., Fitness Investigation; Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge William A. Pope, II. Future communications should be addressed to Judge Pope.

Dated at Washington, D.C., March 20, 1980.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 80-9271 Filed 3-26-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket 34774; Order 80–3–126]

Metro Airlines; Application for Compensation for Losses; Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 20th day of March, 1980.

On February 21, 1979, Metro Airlines filed a 30-day notice under section 419 (a)(3)(B) of the Federal Aviation Act announcing its intent to suspend its operations at Paris, Texas, effective March 24, 1979. By Order 79–3–140, March 21, 1979, we prohibited Metro's suspension for 30 days, or until a fit, willing, and able carrier is in place.[1]

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[2] *Ohio/Indiana Points Nonstop Service Investigation*, Docket 21162, Order 79–5–228, pp. 1–2.

[3] *Palisades Citizen Ass'n v. CAB*, 420 F.2d 188 (D.C. Cir. 1969).

[4] Order 80–3–33, March 6, 1980.

[5] Docket 36609, Order 80–1–132, January 21, 1980, granting Northwest Airlines an exemption authorizing it to make an additional stop on already scheduled Boston-Scotland flights; Docket 37004, Order 80–1–82, January 14, 1980, granting Braniff an exemption permitting it to operate unrestricted nonstop service in the Boston-Dallas/Ft. Worth market. The grant of Northwest's exemption application moots its petition for reconsideration, and we will dismiss it on that basis.

[6] All Members concurred.

[1] By a series of orders, the most recent being Order 80–2–80, we have extended this obligation for additional 30-day periods through March 17, 1980. Order 79–8–53, August 9, 1979 invited carriers interested in providing service to Paris to file applications by September 12, 1979. Proposals by three applicants are now being reviewed.

On October 22, 1979, Metro filed an application seeking compensation for losses pursuant to Part 324 of our Economic Regulations. Metro alleges that its total loss for the period March 24, 1979 through September 19, 1979, including return on investment, was $121,750.

The subsidy staff subsequently contacted Metro seeking additional data needed to evaluate the claim, and ultimately decided that it must await results of an audit before completing its analysis. Information contained in the audit resulted in a number of adjustments to Metro's claim. Major elements in most of these adjustments relate to apparent differences in the revenue block hours used in assigning costs to the Dallas-Paris segment. The hours developed by the audit—both the absolute number of hours for the Dallas-Paris segment and the percentage of those hours to total hours—are lower than claimed by Metro. Also, the unit costs used to construct Dallas-Paris expenses were adjusted on the basis of the audit.[2] Staff is contacting the carrier informally with a detailed description of those adjustments.

The recognized operating losses for the provision of essential air services for the period March 24, 1979 through September 19, 1979 are $56,955. We are establishing an interim level of compensation of this amount, plus $9,493 for the 30-day period ended October 19, 1979 (one-sixth of $56,955). Because Metro apparently substantially revised its flight schedule in November, varying both the equipment type used and the flight frequency, we need additional data from Metro in order to compensate it for losses sustained after October 19, 1979.

Because we are setting an interim rate of compensation, the carrier is free to pursue any adjustments to its claim which it disagrees. We note that a substantial part of the difference between Metro's claim and our adjusted data arises because we did not include an allowance for profit for the purpose of setting this interim rate. Since interim compensation rates are subject to adjustment, we elect to treat them as temporary rates and recognize only operating losses and interest on long term debt, which is consistent with § 399.30 of our Economic Regulations. A profit element will be considered after Metro's forced service requirement is terminated, and when we propose a final settlement of the carrier's claim.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, particularly sections 102, 204, 419, and 1002 (b), and the regulations promulgated in 14 CFR 302 and 324:

1. We set the interim level of compensation for losses sustained by Metro Airlines, by virtue of its provision of essential air service to Paris, Texas at $66,448 for the period March 24, 1979 through October 19, 1979;

2. This proceeding shall remain open pending entry of an order fixing the final rate of compensation, and the amount of such rate of compensation may be the same as, lower than, or higher than the interim rate of compensation set here; and

3. We shall serve this order upon all parties to this proceeding.

We shall publish this order in the **Federal Register.**

By the Civil Aeronautics Board.[3]

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-9284 Filed 3-26-80; 8:45 am]

BILLING CODE 6320-01-M

[Order 80-3-125; Docket 37751]

Nor East Commuter Airlines, Inc.; Petition for Advance Compensation for Losses; Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 20th day of March, 1980.

On January 24, 1980, Nor East Commuter Airlines, Inc. (Nor East) filed a 30-day notice under section 419 of the Act announcing its intent to suspend service between New Bedford, Massachusetts, and Martha's Vineyard and Nantucket, Massachusetts, on February 20, 1980. By Order 80-2-89, February 15, 1980, we prohibited Nor East's suspension for 30 days.

On February 28, 1980, Nor East petitioned for advance compensation for losses pursuant to section 419 of the Act and Part 324 of our Procedural Regulations. Nor East provided a detailed explanation of its estimated traffic, revenue, cost, and compensation requirements for the last one-third of February, the months of March through May, and the year ended January 1981; and it seeks compensation of $15,835 [1] for the 30-day period ended March 21, 1980. Nor East alleges that its estimates are drawn from almost three years of operating experience on that route; that advance compensation is necessary because it is suffering operating losses of about $16,000 per month and cannot absorb those losses; that it had intended to terminate service because of those losses; and that its request for compensation was filed before the first 30-day compulsory service period was over because it has exhausted its sources of debt and equity needed to cover the deficit.

We have reviewed Nor East's petition and find that the information contained therein reasonably supports the requested compensation on an interim basis, with one exception. Nor East bases its claim solely on its estimate of compensation required for the first 30-day compulsory period. Since it seems likely that the carrier will be held in beyond then we will, instead, set an interim rate based on the estimated average compensation that would be required for operations through May 20, 1980, or two additional compulsory periods. This results in a rate of compensation of $14,681 per 30-day period. Should Nor East be held in beyond May 20, we will revise the interim level of compensation in view of the seasonal increase in traffic. We also note that in Order 80-2-89 we directed the staff to discuss New Bedford's essential air service needs with civic officials. Should those discussions lead to any changes in Nor East's service pattern we will promptly make any necessary revisions to its interim level of compensation.

Finally, we will not make the payments in advance as requested by Nor East. As we stated in the preamble to our interim rule governing compensation for losses sustained in providing forced service (Regulation PR-209, page 4), advance compensation will be made in instances where a carrier shows that without the advance its financial difficulties in continuing service are of a magnitude that it might not survive the 30-day period. Particularly in view of the carrier's years of operating experience at New Bedford and the reduced level of service required by Order 80-2-89, Nor East's bare assertion that it cannot now absorb losses estimated at about $15,000 per month does not justify the need for advance compensation. Nor East does not have to absorb such losses. It will be compensated for them usually within 10 days after each month's service is provided. In any event, Nor East's request was not received until several days into the compulsory period for which it seeks advance compensation. Even had the Board considered the

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[2] For example, Metro calculated its fuel expense on the basis of $1.00 price per gallon and a burn rate of 40.52 gallons per aircraft hour. According to the audit of Metro's records, it paid an average price per gallon of fuel of 83.5 cents and its burn rate was 37.5 gallons per aircraft hour.

[3] All Members concurred except Member Dalley who did not participate.

[1] Calculated as one-third of the operating loss plus interest estimated for February plus two thirds of that estimated for March.

application on an emergency basis—and there was nothing in the application to suggest such action was warranted—payment for the first compulsory period could not have been made appreciably before the end of the period.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, particularly sections 102, 204, 419, and 1002(b), and the regulations promulgated in 14 CFR 302 and 324;

1. We set the interim level of compensation for losses sustained by Nor East Commuter Airlines, Inc., by virtue of its provision of essential air service between New Bedford, Massachusetts, and Martha's Vineyard and Nantucket, Massachusetts, at $14,681.00 for each 30-day period beginning February 21, 1980, less $52.00 for each scheduled flight not completed;

2. This proceeding shall remain open pending entry of an order fixing the final rate of compensation, and the amount of such rate of compensation may be the same as, lower than, or higher than the interim rate set here.

3. We shall serve this order upon all parties to this proceeding.

We shall publish this order in the Federal Register.

By the Civil Aeronautics Board: [2]

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-9262 Filed 3-26-80; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Office of the Secretary

Advisory Committee for International Legal Metrology; Renewal

In accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. (1976) and Office of Management and Budget Circular A-63 of March 1974, as amended, and after consultation with the General Services Administration, the Secretary of Commerce has determined that the renewal of the Advisory Committee for International Legal Metrology is in the public interest in connection with the performance of duties imposed on the Department by law.

The Committee, first established in March 1974 and renewed in March 1976 and March 1978, was to terminate on March 17, 1980. Its purpose was to advise the Department through the Director, National Bureau of Standards (NBS), on technical and policy matters relating to NBS' assigned general responsibility for the development of U.S. positions on technical issues arising in the International Organization of Legal Metrology (OIML). This objective was achieved. Its advice and recommendations—all of which were accepted and implemented by NBS—have meaningfully contributed to the Administration's program for increased export trade by ensuring that International Recommendations proposed by OIML do not contain restrictive technical requirements which act as non-tariff trade barriers.

In renewing the Committee, the Secretary has not changed its objective. The trade implications of OIML and the ambitious work program envisioned by the Organization mandate continued active participation by the U.S. and the continued need for timely action by Government and industry to assess the trade impact of proposed OIML actions. The Committee is uniquely suited to assist NBS in this task and its function cannot be accomplished by any organizational element or other committee of the Department.

As initially established (39 FR 6136 2-19-74) the Committee will continue with a balanced representation, presently of approximately 40 members, chaired by the United States representative to the International Organization of Legal Metrology (OIML). Membership on the Committee is balanced through representation from four major interest groups: (1) Federal agencies which use and/or regulate measurement instruments in commerce, or in the field of public health and safety; (2) State and local weights and measures jurisdictions which establish metrological requirements for instruments and which regulate the accuracy of these instruments in intrastate commerce; (3) Industry trade associations, professional metrologists and private standards bodies which manufacture, use and/or write private voluntary standards incorporating, or referencing, measurement devices or methods; and (4) Consumers. Additionally, Committee membership is open at any time to any interest group who demonstrates a desire to participate.

The Committee will function solely as an advisory body, and in compliance with the provisions of the Federal Advisory Committee Act.

Copies of the Committee's revised charter will be filed with appropriate committees of the Congress and with the Library of Congress.

Inquiries or comments may be addressed to the Committee Control Officer, Mr. David Edgerly, Chief, Office of Domestic and International Measurement Standards, Building 221, Room A353, National Bureau of Standards, U.S. Department of Commerce, Washington, D.C. 20234, telephone: 301-921-3307.

March 20, 1980.

Guy W. Chamberlin, Jr.,

Acting Assistant Secretary for Administration.

[FR Doc. 80-9248 Filed 3-26-80; 8:45 am]

BILLING CODE 3510-17-M

International Trade Administration

Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee; Open Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee will be held on Wednesday, April 16, 1980, at 9:30 a.m. in room 3708, Main Commerce Building, 14th Street and Constitution Avenue, N.W., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, January 13, 1977, and August 28, 1978, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee was established on February 4, 1974. On July 8, 1975, the Director, Office of Export Administration, approved the reestablishment of this Subcommittee, pursuant to the charter of the Committee. And, on October 16, 1978, the Assistant Secretary for Industry and Trade approved the continuation of the Subcommittee pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which may affect the level of export controls applicable to computer systems, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates, including proposed revisions of any such multilateral controls. The Licensing

[2] All members concurred.

Procedures Subcommittee was formed to review the procedural aspects of export licensing and recommend areas where improvements can be made.

The Subcommittee meeting agenda has four parts:

(1) Opening remarks by the Subcommittee Chairman.

(2) Presentation of papers or comments by the public.

(3) Pending items of business:

a. Swiss Blue Import Certificate

b. Technical preevaluation of products

c. Qualified general license

d. Technical data regulations.

(4) Standard formatting of license applications.

The meeting will be open for public observation and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

Copies of the minutes of the meeting will be available by calling Mrs. Margaret Cornejo, Policy Planning Division, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202–377–2583.

For further information contact Mrs. Cornejo either in writing or by phone at the address or number shown above.

Date: March 24, 1980.

Kent Knowles,

Director, Office of Export Administration, International Trade Administration, U.S. Department of Commerce.

[FR Doc. 80-9342 Filed 3-26-80; 8:45 am]

BILLING CODE 3510-25-M

Suspension of the Steel Trigger Price Mechanism

The Department of Commerce hereby announces the suspension of the steel trigger price mechanism (TPM). The TPM was established in December 1977 by the Department of the Treasury (see 42 FR 65214, Dec. 30, 1977). The TPM provided the Secretary of the Treasury, then the administering authority for the antidumping statute (the authority has since been transferred to the Secretary of Commerce under Reorganization Plan No. 3 of 1979), with information necessary for determining when the government should self-initiate steel antidumping investigations; normally investigations are commenced only upon receipt of a petition filed on behalf of the domestic industry.

The TPM was designed as a substitute for individual antidumping petitions by the domestic steel industry. Under the TPM the resources of the administering authority were utilized to continuously monitor all basic steel mill product imports instead of applying resources to the investigation of individual petitions that necessarily focus on specific products and countries.

On March 21, 1980, dumping petitions involving basic steel mill products from seven European countries were filed with the Department of Commerce by United States Steel Corporation on behalf of the domestic steel industry. The imports involved in these cases accounted for nearly one-third of U.S. imports of basic steel mill products in 1979.

With the filing of these major antidumping petitions, the basis upon which TPM was maintained no longer exists. Continuation of the TPM while investigating the industry complaints involving a major portion of U.S. imports would be largely redundant; consequently, effective March 24, the Department will devote its resources toward the expeditious investigation of the dumping alleged in the industry's petitions.

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 80-9355 Filed 3-26-80; 8:45 am]

BILLING CODE 3510-22-M

Foreign Availability Subcommittee of the Computer Systems Technical Advisory Committee; Closed Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Foreign Availability Subcommittee of the Computer Systems Technical Advisory Committee will be held on Wednesday, April 16, 1980, at 1:30 p.m. in Room 3708, Main Commerce Building, 14th Street and Constitution Avenue, NW., Washington, D.C.

The Computer System Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, January 13, 1977, and August 28, 1978, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Foreign Availability Subcommittee of the Computer Systems Technical Advisory Committee was established on July 8, 1975. On October 16, 1978, the Assistant Secretary for Industry and Trade approved the continuation of the Subcommittee pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which may affect the level of export controls applicable to computer systems, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates, including proposed revisions of any such multilateral controls. The Foreign Availability Subcommittee was formed to ascertain if certain kinds of equipment are available in non-COCOM and Communist countries, and if such equipment is available, then to ascertain if it is technically the same or similar to that available elsewhere.

The Subcommittee will meet only in Executive Session to discuss matters properly classified under Executive Order 11652 or 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

Written statements may be submitted at any time before or after the meeting.

The Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 6, 1978, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, Pub. L. 94–409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of the national defense or foreign policy. All materials to be reviewed and discussed during the Executive Session of the meeting have been properly classified under Executive Order 11652 or 12065. All Subcommittee members have appropriate security clearances.

The complete Notice of Determination to close meetings or portions thereof of the series of meetings of the Computer Systems Technical Advisory Committee and of any subcommittees thereof was published in the **Federal Register** on September 14, 1978 (43 FR 41073).

For further information contact Mrs. Margaret Cornejo, Office of Export

Administration, International Trade Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, phone 202–377–2583.

Dated: March 24, 1980.

Kent Knowles,

Director, Office of Export Administration, International Trade Administration, Department of Commerce.

[FR Doc. 80-9343 Filed 3-26-80; 8:45 am]

BILLING CODE 3510-25-M

Melamine in Crystal Form From Austria; Antidumping: Determination of Sales at Less Than Fair Value

AGENCY: U.S. Department of Commerce.

ACTION: Final determination of sales at less than fair value.

SUMMARY: This notice is to advise the public that it has been determined that melamine in crystal form from Austria has been sold to the United States at less than fair value within the meaning of section 735 of the Tariff Act of 1930, as amended. Sales at less than fair value generally occur when merchandise exported to the United States is sold in the United States at a price which is less than (a) the price of such or similar merchandise sold in the home market, (b) in the absence of a viable home market, the price at which it is sold in a third country, or (c) a constructed value.

EFFECTIVE DATE: March 27, 1980.

FOR FURTHER INFORMATION CONTACT: Stuart Keitz, Office of Investigations, International Trade Administration, U.S. Department of Commerce, N.W., Washington, D.C. 20230, (202–566–5492).

SUPPLEMENTARY INFORMATION: On March 23, 1979, information was received in proper form pursuant to sections 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), from counsel acting on behalf of Melamine Chemicals, Inc. (MCI), Donaldsonville, Louisiana, alleging that imports of melamine in crystal form from Austria are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*). An "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to, or likelihood of injury to, an industry in the United States was published in the **Federal Register** of May 1, 1979 (44 FR 25555). A "Withholding of Appraisement Notice" was published in the **Federal Register** on November 13, 1979 (44 FR 65516–65517).

The merchandise under consideration is described as "melamine in crystal form" provided for in item 425.1020 of the Tariff Schedules of the United States Annotated (TSUSA). In accordance with section 102(b)(2) of the Trade Agreements Act of 1979 (19 U.S.C. 1671 note), this matter is being treated as if a preliminary determination under section 733 of the Tariff Act of 1930, as amended (93 Stat. 163, 19 U.S.C. 1673b), had been made on January 1, 1980. Accordingly, liquidation has been suspended on all entries, or withdrawals from warehouse, for consumption of the subject merchandise from Austria, on or after the date of publication of the "Withholding of Appraisement Notice" in the **Federal Register.**

Final Determination of Sales at Less Than Fair Value

On the basis of the information developed in the investigation and for the reasons stated below, pursuant to section 735 of the Tariff Act of 1930, as amended (93 Stat. 169, 19 U.S.C. 1673d), I hereby determine that melamine in crystal form from Austria is being or is likely to be, sold in the United States at less than its fair value.

Statement of Reasons for This Determination

a. *Scope of the Investigation.* All of the subject merchandise from Austria sold for export to the United States during the investigatory period (November 1, 1978, through March 31, 1979) was sold by Chemie Linz, A.G. The investigation, therefore, was limited to this company.

b. *Basis of Comparison.* For the purpose of considering whether the merchandise in question is being, or is likely to be, sold at less than fair value within the meaning of the Act, the proper basis of comparison is between the purchase price and the home market price of such merchandise. Purchase price, as defined in section 772 of the Tariff Act of 1930, as amended (93 Stat. 181, 19 U.S.C. 1677a), was used since all United States sales were made to one unrelated customer prior to the importation of the merchandise. Home market price, as defined in section 353.3, Commerce Regulations (19 CFR 353.3, 45 FR 8191), was used since such merchandise was sold in sufficient quantities in the home market to provide an adequate basis of comparison for fair value purposes.

In accordance with section 353.38(a), Commerce Regulations (19 CFR 353.38(a), 45 FR 8200), pricing information gathered concerning sales to the United States and home market sales during the period November 1, 1978, through March 31, 1979.

c. *Purchase Price.* For purposes of this determination, purchase price has been calculated on the basis of the CIF price to the unrelated United States customer. Deductions have been made for commissions, United States inland freight, ocean freight, insurance and foreign inland freight, where applicable.

Counsel for the petitioner has challenged the acceptance of the respondent's reported freight costs on grounds that the rates are too low to reflect all ocean freight and inland freight components. Information obtained during the investigation, however, supports the reported figures and their use in the determination of purchase price.

d. *Home Market Prices.* For the purposes of this determination, the fair value has been calculated on the basis of the weighted-average price in the home market to unrelated purchasers. A claim for use of a preponderant price instead of a weighted average price as the basis of fair value was not allowed because the volume of sales at that price did not meet the criteria set forth in section 353.20(b), Commerce Regulations (19 CFR 353.20(b), 45 FR 8195). In another approach, the respondent made a claim for use of that "preponderant" price to a particular purchaser as the basis of fair value on grounds that, of all home market purchasers, this purchaser represents a level of trade most similar to that of the U.S. purchaser. This claim was also disallowed, because no acceptable quantification or formalization of price differentials based on differences in level of trade was demonstrated as required for consideration under section 353.19, Commerce Regulations (19 CFR 353.19, 45 FR 8194). Deductions were made for inland freight and an offset against a commission allowed in the United States. Costs allowed in this offset included technical assistance and servicing, storage costs and sales costs. A claim for inclusion of a commission in the offset was allowed in the preliminary determination, but has been reexamined at the request of counsel for the petitioner. Review of the facts indicates that the commission was paid for services which do not qualify as other selling expenses for offset purposes under section 353.15(c), Commerce Regulations (19 CFR 353.15(c), 45 FR 8194). Accordingly, the commission has been disallowed in arriving at the final determination. The allowance for technical assistance and servicing was also challenged on grounds that the investigation failed to verify the amount claimed by the respondent. Nevertheless, the offset has been retained, because the existence of such customer services was verified by the investigation and the amount claimed was considered reasonable.

Other adjustments were made for differences in credit terms and packing costs.

e. *Results of Fair Value Comparisons.* Using the above criteria, purchase price is lower than the home market price of such merchandise. Comparisons were made on 100 percent of the sales to the United States during the period of invetigation. Margins were found on 100 percent of the sales examined. The margins range from 7.76 to 27.53 percent and the weighted average margin is 12.16 percent.

Verification of submitted data was accomplished by random selection of response information and subsequent examination of related financial ledgers, records and commercial documents at the respondent's premises.

Interested persons have been provided an opportunity to present views in accordance with section 353.44(e), Commerce Regulations (19 CFR 353.44(e), 45 FR 8203).

This notice is published pursuant to section 353.44(f), Commerce Regulations (19 CFR 353.44(f), 45 FR 8203).

Dated: March 20, 1980.

Stanley J. Marcuss,

Acting Assitant Secretary for Trade Administration.

[FR Doc. 80-9304 Filed 3-26-80; 8:45 am]

BILLING CODE 3510-22-M

Melamine in Crystal Form From the Netherlands; Antidumping: Dtermination of Sales at Less Than Fair Value

AGENCY: U.S. Department of Commerce.

ACTION: Final determination of sales at less than fair value.

SUMMARY: This notice is to advise the public that it has been determined that melamine in crystal form from the Netherlands has been sold to the United States at less than fair value within the meaning of section 735 of the Tariff Act of 1930, as amended. Sales at less than fair value generally occur when merchandise exported to the United States is sold in the United States at price which is less than (a) the price of such or similar merchandise sold in the home market, (b) in the absence of a viable home market, the price at which it is sold in a third country, or (c) a constructed value.

EFFECTIVE DATE: March 27, 1980.

FOR FURTHER INFORMATION CONTACT: Stuart Keitz, Office of Investigations, International Trade Administration, U.S. Department of Commerce, N.W., Washington, D.C. 20230 (202-566-5492).

SUPPLEMENTARY INFORMATION: On March 23, 1979, information was received in proper form pursuant to sections 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), from counsel acting on behalf of Melamine Chemicals, Inc. (MCI), Donaldsonville, Louisiana, alleging that imports of melamine in crystal form from the Netherlands are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.).* An "Antidumping Proceeding Notice" indicating that there was evidence on record concerning injury to, or likelihood of injury to, an industry in the United States was published in the **Federal Register** of May 1, 1979 (44 Fed. Reg. 25555). A "Tentative Determination of Sales at Not Less Than Fair Value" was published in the **Federal Register** on November 13, 1979 (44 Fed. Reg. 65517-65518). Subsequently after discovery of a computational error which changed the results, an "Amendment to Tentative Determination and Suspension of Liquidation" was published in the **Federal Register** of February 26, 1980 (45 Fed. Reg. 12466).

The merchandise under consideration is described as "melamine in crystal form" provided for in item 425.1020 of the Tariff Schedules of the United States Annotated (TSUSA). In accordance with section 102(b)(2) of the Trade Agreements Act of 1979 (19 U.S.C. 1671 note), this matter is being treated as if a preliminary determination under section 733 of the Tariff Act of 1930, as amended (93 Stat. 163, 19 U.S.C. 1673b), had been made on January 1, 1980. Accordingly, liquidation has been suspended on all entries, or withdrawals from warehouse, for consumption of the subject merchandise from the Netherlands on or after the date of publication of the amended notice in the **Federal Register.**

Final Determination of Sales at Less Than Fair Value

On the basis of the information developed in the investigation and for the reasons stated below, pursuant to section 735 of the Tariff Act of 1930, as amended (93 Stat. 169, 19 U.S.C. 1673d), I hereby determine that melamine in crystal form from the Netherlands is being, or is likely to be, sold in the United States at less than the fair value.

Statement of Reasons for This Determination

a. *Scope of the Investigation.* All of the subject merchandise from the Netherlands sold for export to the United States during the investigatory period (November 1, 1978, through March 31, 1979) was produced and exported by Naamloze Vennootschap (DSM). The investigation, therefore, was limited to this company.

b. *Basis of Comparison.* For the purpose of considering whether the merchandise in question is being, or is likely to be, sold at less than fair value within the meaning of the Act, the proper basis of comparison is between the purchase price and foreign market value based on sales to a third country of such merchandise. Purchase price, as defined in section 772 of the Tariff Act of 1930, as amended (93 Stat. 181, 19 U.S.C. 1677a), was used since all United States sales were made to unrelated customers prior to the importation of the merchandise.

Foreign market value, based on sales to a third country, as defined in section 353.5, Commerce Regulations (19 CFR 353.5, 45 Fed. Reg. 8191), was used since such or similar merchandise was sold in insufficient quantities in the home market to provide an adequate basis of comparison for fair value purposes (section 353.4, Commerce Regulations, 19 CFR 353.4, 45 Fed. Reg. 8191)).

In accordance with section 353.38(a), Commerce Regulations (19 CFR 353.38(a), 45 Fed. Reg. 8200), pricing information was gathered concerning sales to the United States and third country sales during the period November 1, 1978, through March 31, 1979.

c. *Purchase Price.* For purposes of this determination, purchase price has been claculated on the basis of the CIF duty paid price to unrelated United States customers. Deductions have been made for United States duties, United States inland freight, ocean freight, insurance, foreign inland freight, customs clearance and bank fees, where applicable.

Counsel for the petitioner has challenged the acceptance of the respondent's reported freight costs on grounds that the rates are too low to reflect all ocean freight and inland freight components. Information obtained during the investigation, however, supports the reported figures and their use in the determination of purchase price.

d. *Foreign Market Value.* For the purposes of this determination, fair value has been calculated on the basis of the weighted-average price to all unrelated purchasers in the largest third country market, West Germany. Selection of the West German market was made in accordance with section 353.5(c)(2), Commerce Regulations (19 CFR 353.5(c)(2), 45 Fed. Reg. 8191). Deductions were made for inland freight, insurance and a commission. Adjustments were also made for differences in packing costs. Counsel for the respondent contended that only bulk

sales to West Germany should be considered in making comparisons with sales to the United States. This contention was based on two assertions: (1) that all sales to the United States are bulk sales and (2) that bulk sales constitute sales in the usual wholesale quantities as defined in section 771(17) Tariff Act of 1930, as amended (93 Stat. 181, 19 U.S.C. 1677). Neither assertion was supported by information developed during the investigation.

Petioner's counsel protested that the allowance for commission in West German sales was not offset by selling expenses in the United States market. Section 353.15(c), Commerce Regulations (19 CFR 353.15(c), 45 Fed. Reg. 8194) provides for such an offset of commissions in one makret with selling expenses in the other market if no commissions exist in such other market. A limitation is placed on the magnitude of the offset by the proviso that it not exceed the amount of the commission being offset or the actual amount of the selling expenses, whichever is less. In this instance, the investigation did not report any selling expenses incurred by the respondent in the United States. Consequently, no offset was made.

Results of Fair Value Comparisons

Using the above criteria, purchase price is lower than the price to third countries of such merchandise. Comparisons were made on 100 percent of the sales to the United States during the period of investigation. Margins were found on 93.5 percent of the sales examined. The margins range from 1.97 percent to 4.64 percent and the weighted average margin over all sales considered was 2.18 percent.

Respondent's counsel contended that the margins were entirely due to a termporary surge in the rate of exchange of the West German mark. Examination of rates of exchange prior to and after the period of investigation do reveal significant and sustained increases in the value of the West German mark against the dollar during the fourth quarter of 1978 and the first quarter of 1979. Data obtained during the investigation reveals that, in spite of the fluctuation which became evident early in October 1978, the respondent did not act within a reasonable peiord of time to adjust prices accordingly. Consequently, the facts do not support disregard of the margins based on section 353.56(b), Commerce Regulations (19 CFR 353.56(b), 45 Fed. Reg. 8206).

Verification of submitted data was accomplished by random selection or response information and subsequent examination of related financial ledgers, records and commercial documents at the respondent's premises.

Interested persons have been provided an opportunity to present views in accordance with section 353.44(e), Commerce Regulations (19 CFR 353.44(e), 45 Fed. Reg. 8203).

This notice is published pursuant to section 353.44(f), Commerce Regulations (19 CFR 353.44(f), 45 Fed. Reg. 8203).

Stanley J. Marcuss,

Acting Assistant Secretary of Trade Administration.

March 20, 1980.

[FR Doc. 80-9305 Filed 3-26-80; 8:45 am]

BILLING CODE 3510-22-M

Maritime Administration

[Docket No. S-666]

Participation by Vessels Built With Construction-Differential Subsidy in the Carriage of Crude Oil in the Domestic Trade; Application by American Petrofina, Inc.

Notice is hereby given that American Petrofina, Incorporated (Fina) has applied for written permission under section 506 of the Merchant Marine Act, 1936, as amended, for the temporary employment of the U.S.-flag tanker Williamsburgh in the carriage of crude oil in the domestic trade on two voyages from Alaska to the U.S. Gulf by way of the southern tip of South America. The Williamsburgh is of 225,100 deadweight tons and was built with construction-differential subsidy (CDS). The vessel is under long-term charter to Fina from Kingsway Tankers, Inc.

Fina states that it has a requirement to transport more than 3.2 million barrels of crude oil from Valdez, Alaska, to its refinery in Port Arthur, Texas. Fina states that it must lift about 1.6 million barrels at Valdez by the end of the second quarter of 1980 and at least the same volume by the end of the third quarter of 1980. Present plans call for the first lifting by the Williamsburgh to be made between May 15–31, and the second lifting by the Williamsburgh at the end of August or September.

It is Fina's belief that no non-CDS vessels of suitable size to meet the foregoing transportation requirement are available. The domestic movement requested by Fina does not coincide with either the Valdez/U.S. west coast or Valdex/Panama Canal trades specifically set forth in Part 250 of Chapter II, Title 46, of the Code of Federal Regulations. However, the Maritime Administration believes it is appropriate to provide an opportunity for interested parties to comment on the application.

Interested parties may inspect the application in the Office of the Secretary, Maritime Administration, Room 3099–B, Department of Commerce Building, 14th and E Streets, NW, Washington, D.C. 20230.

Any person, firm, or corporation who desires to protest such application should submit such protest in writing, in triplicate, to the Secretary, Maritime Administration, Washington, D.C. 20230. Protests must be received within five working days after the date of publication of this Notice in the **Federal Register**. If a protest is received, the applicant will be advised of such protest by telephone or telegram and will be allowed three working days to respond in a manner acceptable to the Assistant Secretary for Maritime Affairs. Within five working days after the due date for the applicant's response, the Assistant Secretary will advise the applicant, as well as those submitting protests, of the action taken, with a concise written explanation of such action. If no protest is received concerning the application, the Assistant Secretary will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.500 Construction-differential Subsidies (CDS))

By Order of the Assistant Secretary for Maritime Affairs.

Dated: March 21, 1980.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 80-9275 Filed 3-26-80; 8:45 am]

BILLING CODE 3510-15-M

National Oceanic and Atmospheric Administration

Mid-Atlantic Fishery Management Council's Groundfish Advisory Subpanel; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Mid-Atlantic Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94–265), has established a Groundfish Advisory Subpanel (AP), which will meet to discuss the Groundfish Plan.

DATES: The meeting will convene at approximately 7:30 p.m. on April 4, 1980. The meeting is open to the public.

ADDRESS: The meeting will take place at the Holiday Inn, Route 25, Riverhead, New York 11901 (Exit 72 of Long Island Expressway). (516) 369–2200.

FOR FURTHER INFORMATION CONTACT: Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, North and New Streets, Dover,

Delaware 19901, Telephone: (302) 674–2331.

Dated: March 24, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80-9375 Filed 3-26-80; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board; Advisory Committee Meeting

The Defense Science Board will meet in closed session 30 April–1 May 1980 in the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

A meeting of the Board has been scheduled for 30 April–1 May 1980 to discuss interim findings and tentative recommendations resulting from ongoing Task Force activities associated with Strategic, Tactical, Intelligence/Command, Control and Communication, and Technology issues. The Board will also discuss plans for future consideration of scientific and technical aspects of specific strategies, tactics, and policies as they may affect the U.S. national defense posture.

In accordance with 5 U.S.C. App. I Sec. 10(d) (1976), it has been determined that this Defense Science Board meeting concerns matters listed in 5 U.S.C. 552b(c)(1)(1976), and that accordingly this meeting will be closed to the public.

O. J. Williford,

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

March 21, 1980.

[FR Doc. 9309 Filed 3-26-80; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Docket No. 80-08-NG]

Valero Transmission Co. (Formerly Texas Gas Utilities Division); Receipt of Amended Petition To Amend Export Authorization and Motion to Substitute Petitioner

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of receipt of application and invitation to submit protests or petitions for intervention.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt of an amended petition to amend export authorizations filed in FERC Docket Nos. CP61–280, CP61–281, CP62–288, CP65–270 and CP70–204 by its predecessor Texas Gas Utilities Division (TGUD) and to substitute Valero Transmission Company (Valero) for TGUD as the authorized exporter of natural gas.

DATES: Protests or petitions to intervene to be filed on or before March 31, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Finn K. Neilsen, Director, Import/Export Division, Office of Petroleum Operations, Economic Regulatory Administration, 2000 M St., N.W., Room 4126, Washington, D.C. 20461, telephone (202) 653–3859, or Mr. Martin S. Kaufman, Deputy Assistant General Counsel for International Trade and Emergency Preparedness 1000 Independence Avenue, SW., Forrestal Building, Room 5E064, Washington, D.C. 20585, telephone (202) 252–2900.

SUPPLEMENTARY INFORMATION: Valero states that the petition filed by Valero's predecessor, TGUD, with the Federal Power Commission (FPC) on October 29, 1975 in the above captioned dockets is currently pending before the Federal Energy Regulatory Commission (FERC). It further states that the present amended petition is filed to update the information contained in the original petition.

Valero also requests ERA to substitute it as the applicant for continued export authorization to Compania Nacional de Gas, S. A. (Mexico) and gives notice of the discontinuance of sales and deliveries to Asarco and Altos Hornos which terminated upon the expiration of the sales contracts with those entities. Such continued deliveries to Compania Nacional would be made in the same manner and by means of the same facilities heretofore authorized in FPC Docket No. CP62–288.

OTHER INFORMATION: The ERA invites protests or petitions for intervention in this proceeding. Such protests or petitions are to be filed with the Economic Regulatory Administration, Room 4126, 2000 M Street, NW., Washington, D.C. 20461, in accordance with the requirements of the rules of practice and procedure of the FERC as modified by ERA (18 CFR 1.8 and 1.10). Such protests or petitions for intervention will be accepted for consideration if filed no later than 4:30 p.m., March 31, 1980.

Any person wishing to become a party to the proceeding or to participate as a party in any hearing which may be convened herein must file a petition to intervene. Any person desiring to make any protest with reference to the petition should file a protest with the ERA in the same manner as indicated above for petitions to intervene. All protests filed with ERA will be considered by it in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding.

A formal hearing will not be held unless a motion for such hearing is made by any party or intervener and is granted by ERA, or if the ERA on its own motion believes that such a hearing is required. If such hearing is required, due notice will be given.

A copy of Valero's petition is available for public inspection and copying in Room 4126, 2000 M Street, NW., Washington, D.C. 20461, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., on March 20, 1080.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

FR Doc. 80-9247 Filed 3-26-80; 8:45 am]

BILLING CODE 6450-01-M

Canadian Crude Oil Allocation Program Amended Supplemental Allocation Notice; January 1 Through March 31, 1980, Allocation Period

In accordance with § 214.32(c) of the Mandatory Canadian Crude Oil Allocation Regulations, 10 CFR Part 214, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby amends the Supplemental Allocation Notice for the month of March 1980, issued February 22, 1980 (45 FR 13499, February 29, 1980). This action is necessary because a refiner has advised ERA that it will not use an allocation of 408 B/D of Canadian heavy crude oil assigned for its second priority refinery for March.

The February 22, 1980, Supplemental Notice adjusted the allocations of Canadian heavy crude oil for the month of March to correct an excess allocation to Koch Refining Company in January. Koch's allocation for March was reduced by 2,429 B/D and second priority refineries nominating for heavy crude oil were assigned rights pursuant to the formula in § 214.31(a)(3) to

provide them the additional volumes they should have received in January. Ashland and Murphy's first priority refineries were not affected by this adjustment.

In the February 22, 1980, Supplemental Notice, Amoco's Whiting, Indiana, refinery, was assigned rights for 408 B/D of heavy Canadian crude oil for March. However, Amoco has advised ERA that it cannot use this additional volume of Canadian heavy crude oil in March. In order that the limited supply of Canadian heavy crude oil will be fully utilized, the remaining second priority refineries have been assigned rights to the 408 B/D of Canadian heavy crude oil pursuant to the formula in § 214.31(a)(3) to provide them the additional volumes they would have received if the Amoco-Whiting refinery had not been assigned these rights.

The allocations of heavy crude oil to Ashland, Koch, and Murphy's first priority refineries and the allocation of light crude oil to ICG Vista's (Thunderbird) second priority refinery remain at the level stated in the Supplemental Notice issued February 22, 1980 (45 FR 13499, February 29, 1980).

The issuance of Canadian heavy crude oil rights, expressed in B/D, for March 1980 to refiners and other firms is amended as follows:

Refiner/refinery	Priority	Base period volumes [1] Canadian total	Base period volumes [1] Canadian heavy crude	Nomination	Allocations
Amoco-Whiting, IN	II	26,751	1,191	[2] 10,000	[3] 0
Ashland-St. Paul Park, MN	I	44,707	4,803	31,000	12,787
Koch-Pine Bend, MN	I	74,383	68,692	95,000	[4] 67,401
Marathon-Detroit, MI	II	10,301	142	10,000	[3] 195
Mobil-Buffalo, NY	II	24,995	0	6,036	[3] 479
Mobil-Ferndale, WA	II	45,444	0	10,975	[3] 871
Mobil-Joliet, IL	II	14,606	12,474	12,989	[3] 41
Murphy-Superior, WI	I	25,625	5,372	8,000	8,000
Sohio-Toledo, OH	II	29,182	0	10,000	[3] 560
Total-Alma, MI	II	9,727	6,707	8,000	[3] 58
Union-Lemont, IL	II	11,711	0	20,000	[3] 225
Total Priority I					88,188
Total Priority II					2,429
Total I and II					90,617

[1] Base period volume for the purposes of this notice means average number of barrels of Canadian crude oil included in a refinery's crude oil runs to stills or consumed or otherwise utilized by a facility other than a refinery during the base period (November 1, 1974, through October 31, 1975) on a barrels per day basis. For the base period volumes of all priority refineries, see Allocation Notice issued December 29, 1979, (45 FR 1664, January 8, 1980).

[2] Treated as 2,469 B/D for purposes of re-calculation of January allocation.

[3] Re-calculated adjustment to January allocation.

[4] As adjusted.

This notice is issued pursuant to Subpart G of ERA's regulations governing its administrative procedures and sanctions, 10 CFR Part 205. Any person aggrieved hereby may file an appeal with the Office of Hearings and Appeals in accordance with Subpart H of 10 CFR Part 205. Any such appeal shall be filed on or before 30 days from the publication of this Notice.

Issued in Washington, D.C., on March 21, 1980.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 80-9368 Filed 3-26-80; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1448-3]

Determination of Applicability of New Source Performance Standards (NSPS) to Potomac Electric Power Co. (PEPCO) Chalk Point Unit 4

Notice is hereby given that the Environmental Protection Agency (EPA) has determined that the Standards of Performance for Fossil Fuel-Fired Steam Generators proposed August 17, 1971 (40 CFR Part 60 Subpart D) apply to the Potmac Electric Power Company (PEPCO) Chalk Point Unit 4. EPA has determined, in response to PEPCO's request pursuant to regulation 40 CFR 60.5, that PEPCO's actions prior to August 17, 1971 did not constitute the commencement of construction as defined in the regulations in 40 CFR Part 60. What follows is th basis for this determination.

Section 111 of the Clean Air Act requires EPA to set technology based standards of performance for new sources of air pollutants. These New Source Performance Standards (NSPS) are promulgated for categories of sources which "cause or contribute significantly to air pollution which may reasonably be anticipated to endanger public health or welfare."

Section 111(a)(2) of the Clean Air Act defines "new source" for the purposes of NSPS to be: any stationary source, the construction or modification of which is commenced after the publication of regulations (or, if earlier, proposed regulations) prescribing a standard of performance under this section which will be applicable to such source.

Regulation 40 CFR 60.1 states that the provisions of 40 CFR Part 60 "Standards of Performance for New Stationary Sources": apply to the owner or operator of any stationary source which contains an affected facility, the construction or modification of which is commenced after the date of publication in this part of any standard (or, if earlier, the date of publication of any proposed standard) applicable to that facility.

The term "affected facility" is defined in regulation 40 CFR 60.2(e) as: "with reference to a stationary source, any apparatus to which a standard is applicable."

The term "construction" is defined in regulation 40 CFR 60.2(g) as: "the fabrication, erection, or installation of an affected facility."

The term "commenced" is defined in regulation 40 CFR 60.2(i) as: an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

Regulation 40 CFR Part 60 Subpart D "Standards of Performance for Fossil Fuel Fired Steam Generators" was proposed on August 17, 1971 (36 FR 15704). The affected facility to which the provisions of this Subpart apply, pursuant to regulation 40 CFR 60.40(a), is the "fossil fuel-fired steam generating unit" which is defined in regulation 40 CFR 60.41(a) as: "a furnace or boiler used in the process of burning fossil fuel for the purpose of producing steam by heat transfer."

The issue presented is whether PEPCO commenced construction of the boiler for Chalk Point Unit 4 prior to August 17, 1971, the proposal date for the applicable NSPS. If construction had not commenced, the unit would be a new source and subject to the NSPS requirements.

PEPCO has not taken the position that it commenced construction by

undertaking a continuous program of construction, but that it commenced construction by entering into a contractural obligation to undertake and complete, within a reasonable time, a continuous program of construction. EPA has reviewed all or the information submitted by PEPCO and has concluded that PEPCO did not enter into a contractual obligation for the boiler for Chalk Point Unit 4 prior to August 17, 1971.

PEPCO and Combustion Engineering, Inc. (CE) began negotiations for the fabrication of what would eventually be the boiler for Chalk Point Unit 4 as early as August 1970. These negotiations continued through the first half of 1971 with CE providing price quotations and reserving production schedule space for the unit. On July 12, 1971 PEPCO sent a letter to CE expressing the intent to award the unit to CE "subject to a mutually satisfactory contract" and requesting from CE "copies of the Chalk Point No. 4 proposal as soon as possible after out engineering meeting with you on August 3, 1971.

On October 26, 1971 CE prepared a two (2) page "Contract Abstract" for Chalk Point Unit 4 which included descriptions of the major boiler components, the total price,and shipping and payment conditions. The final contract for the unit was signed on April 18, 1973.

EPA's consistent interpretation of the term "contractual obligation" in previous NSPS determinations has been that it can be in the form of a formal contract or an agreement which, if terminated, would result in a substantial loss due to an agreed upon cancellation fee after a date certain or due to an apparent liability to the manufacturer of the affected facility for actions taken in reliance upon the agreement. PEPCO and CE did not have a formal contract for the boiler until April 18, 1973. PEPCO has not been able to show by any documentation that there existed a cancellation date beyond which PEPCO could not terminate the agreement without incurring a cancellation fee. PEPCO has also not provided any documentation to show that they had incurred any apparent liability to CE for any action taken by CE in reliance upon the agreement.

PEPCO did not enter into a contractual obligation for the construction of the boiler for Chalk Point Unit 4 prior to August 17, 1971. PEPCO, then, did not commence construction prior to that date so Chalk Point Unit 4 is a new source for NSPS purposes and is subject to the requirements of 40 CFR Part 60 Subpart D.

This determination is reviewable under Section 307(b)(1) of the Clean Air Act in the United States Court of Appeals for the appropriate circuit. A petition for review must be filed on or before May 27, 1980.

Dated: March 13, 1980.

Jack J. Schramm,

Regional Administrator, Region III.

[FR Doc. 80-9316 Filed 3-26-80; 8:45 am]

BILLING CODE 6560-01-M

[80P-70; FRL 1447-4]

Chevron Chemical Co.; Filing of Pesticide Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Chevron Chemical Co. has submitted a pesticide petition proposing to amend 40 CFR 180 by establishing tolerances for residues of thiobencarb on rice grain; eggs; and the meat, Fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep at 0.2 part per million (ppm); rice straw at 1 ppm; and milk at 0.05 ppm under the Federal Food, Drug, and Cosmetic Act.

FOR FURTHER INFORMATION CONTACT: Willa Garner, Product Manager (PM 23), (TS-767), Room E-351, Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, 202-755-1397.

COMMENTS: Comments submitted should bear a notation indicating the petition number "PP OF2322". Written comments filed in connection with this notice will be available for public inspection in the Product Manager's office from 8:30 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

DATE: Comments may be made at any time while the petition is pending before the agency.

SUPPLEMETARY INFORMATION: Chevron Chemical Co., Ortho Div., 940 Hensley Street, Richmond, CA 94804, has submitted a pesticide petition (OF2322) proposing that 40 CFR 180 be amended by establishing tolerances for combined residues of the herbicide thiobencarb (*S*-[(4-chlorophenyl)methyl] diethylcarbamothioate) and its chlorobenzyl and chlorophenyl moiety-containing metabolites (4-chlorobenzyl methyl sulfone, 4-chlorobenzoic acid, and conjugates containing the 4-chlorobenzylthio moiety) in or on the raw agricultural commodities rice grain; eggs, and the meat, fat and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep at 0.2 ppm; rice straw at 1 ppm; and milk at 0.05 ppm. The proposed analytical method for determining residues is gas chromatography using a flame photometric detector and an electron detector. This action is being taken under section 408(d)(1) of the Federal Food, Drug, and Cosmetic Act.

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 135))

Dated: March 20, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-9315 Filed 3-26-80; 8:45 am]

BILLING CODE 6560-01-M

[8 OP-22; FRL 1447-8]

Fairfield American; Experimental Use Permit for Permethrin

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has issued an experimental use permit to Fairfield American for use of the insecticide permethrin on multiwall bags to evaluate control of stored products insects.

FOR FURTHER INFORMATION CONTACT: Mr. Franklin D. R. Gee, Product Manager, Room E-341 (PM-17), Office of Pesticide Programs, Environmental Protection Agency; 401 M St., SW., Washington, DC 20460 (202-426-9417).

SUPPLEMENTARY INFORMATION: Fairfield American, 3932 Salt Rd., Medina, NY 14103, has been issued experimental use permit No. 4816-EUP-1. This permit allows the use of 6.6 pounds of the insecticide permethrin as a coating on 278.7 square meters of paper used for multiwall paper bags to evaluate control of stored products insects. The program is authorized only in the State of Georgia. This experimental use permit is effective from February 6, 1980 to February 6, 1981.

Persons wishing to review the experimental use permit are referred to the designated Product Manager (PM), Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street S.W., Washington, D.C. 20460. Inquiries regarding this permit should be directed to the contact person given above. It is suggested that interested persons call before visiting the EPA Headquarters Office so that the appropriate file may be made conveniently available for review purposes. The files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday, excluding holidays.

(Sec. 5, 92 Stat. 819 as amended; (7 U.S.C. 136))

Dated: March 20, 1980.

Douglas D. Campt,

Director, Registration Division Office of Pesticide Programs.

[FR Doc. 80-9318 Filed 3-26-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1447-7]

Guidelines on Air Quality Models

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice.

SUMMARY: In response to Clean Air Act requirements, EPA has published a Guideline on Air Quality Models and held a Conference on Air Quality Modeling. EPA currently is pursuing mechanisms by which (1) the technical community can take an active role in reviews and updates of the Guideline and (2) a wider range of models, including those developed by groups other than EPA, can be incorporated in the Guideline. To insure adequate public comment, revisions will be synchronized with the next Conference on Air Quality Modeling which must be held every three years and which is planned for early in 1981. This notice summarizes current activities and future plans regarding guidance and conferences on models. This notice also solicits well-documented models that can be considered refined analytical techniques for potential inclusion in planned revisions to the Guideline on Air Quality Models.

DATES: Letters of intent to provide refined air quality models that can be considered for inclusion in the Guideline on Air Quality Models should be submitted within sixty (60) days of the date of this notice.

ADDRESS: Letters of intent should be sent to: Source Receptor Analysis Branch (MD-14), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Attn: Jerome B. Mersch.

FOR FURTHER INFORMATION CONTACT: Joseph A. Tikvart, Chief, Source Receptor Analysis Branch (MD-14), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Phone: (919) 541-5261.

SUPPLEMENTARY INFORMATION:

Background

"Air quality modeling" is a mathematical technique for estimating the effect of an air pollution source (or group of sources) on air quality at various locations. Air quality modeling may provide the basis for approving or denying a proposed pollution source's application to construct. It may also provide the basis for determining the control level required for existing pollution sources. Modeling thus plays an important role in the administration of the Clean Air Act.

In response to the Clean Air Act requirements, EPA has published a Guideline on Air Quality Models[1] and held a Conference on Air Quality Modeling.[2] The preface to the Guideline on Air Quality Models states that the guide will be periodically reviewed and updated. EPA's plans for conducting this review and for obtaining public comment in conjunction with the next Conference on Air Quality modeling are presented in this notice. A means by which well-documented and refined models can be considered for inclusion in the Guideline is also identified and non-EPA models are solicited.

Review of Current Activities

EPA has already taken several steps to update the Guideline and conduct the next Conference. First, several workshops have been held within EPA to insure consistency in the use of the Guideline and in the application of Guideline models.

Secondly, a cooperative agreement has been initiated with the American Meteorological Society to receive comments from the scientific community on a variety of technical issues. The specific tasks of the cooperative agreement are: (1) review and make recommendations on previous work by EPA concerning air quality models; (2) conduct a general review of the state of knowledge on air quality modeling; (3) offer suggestions concerning recommended air quality models and criteria for their selection; and (4) evaluate data base requirements for use with models.

In addition, EPA has undertaken a series of projects concerning the development and application of modeling techniques to provide better understanding of several unresolved issues that are identified in the current Guideline. These include complex terrain, turbulence characterization and atmospheric dispersion, long-range transport of pollutants, visibility impairment, photochemical transformation of pollutants on urban and regional scales, and evaluation/improvement of models. EPA is also reviewing and participating in, where possible, activities of other agencies and scientific groups in these technical areas. For example, EPA staff participated in the Atmospheric Dispersion Modeling Panel conducted by the National Commission on Air Quality; recommendations of that Panel are being carefully evaluated for their relevance to EPA's guidance on modeling. However, while EPA has on-going programs in a variety of problem areas, the Agency recognizes that the efforts of others should also provide answers. Since many of these problems are on the frontiers of scientific knowledge and understanding, research by the scientific community-at-large is an important part of achieving sound solutions.

Finally, EPA has an on-going program to review, revise and expand the mathematical models that are available for general application. The standard models made available by EPA for routine use are being reviewed to insure internal consistency. Incorporation of more recent techniques and developments is a continuing process. Additional models will be incorporated to allow a wider range of applications, viz, the Industrial Source Complex Model.[3]

Status of Conference and Guideline Revision

EPA is required to hold a Conference on Air Quality Modeling every three years and has begun planning for the next Conference to take place in early 1981. The four general activities discussed in the above section will form a basis for the Conference and for public comments concerning a revised Guideline on Air Quality Models.

The Conference will be preceded by public meetings in the fall of 1980. The purpose of these meetings will be to receive comments on proposed revisions to the Guideline. The proposed revisions will be based heavily on recommendations of EPA's Regional Office workshops and preliminary findings resulting from the cooperative agreement with the American Meteorological Society. Proposed changes to selected air quality models and the addition of new models will also be identified for comment at these

[1] Environmental Protection Agency. "Guideline on Air Quality Models." *Publication No. EPA-450/2-78-027.* Environmental Protection Agency, Research Triangle Park, North Carolina 27711, April 1978.

[2] Environmental Protection Agency. "Conference on Air Quality Modeling." Acme Reporting Company, Washington, D.C. 20005, December 1977.

[3] J. F. Bowers, *et al.*, "Industrial Source Complex (ISC) Dispersion Model User's Guide: Volumes I and II." Volume I, *Publication No. EPA-450/4-79-030;* Volume II, *Publication No. EPA-450/4-79-031.* Environmental Protection Agency, Research Triangle Park, North Carolina 27711, December 1979.

public meetings. A progress report on current research efforts will be given. A complete report and review of all activities, findings and proposed changes will be presented for comment at the Conference in 1981.

Solicitation of Non-EPA Models

The activities outlined above are consistent with the intent of the Clean Air Act. They are also responsive to public comments received at the Conference on Air Quality Modeling held in December 1977. However, there is some concern, even though adequate precedent has been established for inclusion of non-EPA models in the Guideline on Air Quality Models, that few such models have been recommended for general use. The Texas Episodic Model and the Texas Climatological Model have been included in the Guideline from its earliest drafts. MULTIMAX, prepared by a private company, is included in the Guideline as a footnote. These models were incorporated as a result of their general consistency with models recommended in the Guideline and the availability of suitable documentation. Nevertheless, while some other non-EPA models have been utilized on a case-by-case basis for application to specific situations, there have been no firm requests from model developers that EPA consider and recommend such models for general use; nor in many cases do these models meet the requirements discussed in the following section of this notice. Thus, there is a need for a mechanism by which non-EPA models can be considered for inclusion in the Guideline.

This notice solicits models that can be considered refined analytical techniques and that have applicability to a general air quality problem. Models are sought that are applicable to issues associated with prevention of significant deterioration and new source review. Models applicable to a variety of stationary source categories with emissions of sulfur oxides and particulate matter in a range of terrain and climatic settings are of particular interest. However, models more generally applicable to SIP-revisions and non-attainment for multisource (urban) situations, for other criteria pollutants (CO, O_3, NO_2, Pb), and for hazardous or carcinogenic pollutants are also of interest. Models that can only be considered simple screening techniques or that do not directly consider atmospheric dispersion are not being requested at this time.

Refined models that are received will be reviewed by EPA and considered for inclusion in the Guideline. To be reviewed, the models submitted must meet the following requirements:

1. The model must be computerized and functioning in a common Fortran language suitable for use on a variety of computer systems.

2. The model must be documented in a user's guide which identifies the mathematics of the model, data requirements and program operating characteristics at a level of detail comparable to that available for currently recommended models, e.g., the Single Source (CRSTER) Model.[4]

3. The model must be accompanied by a complete test data set including input parameters and output results. The test data must be included in the user's guide as well as provided in computer-readable form.

4. the model must be useful to typical users, e.g., State air pollution control agencies, for specific air quality control problems. Such users should be able to operate the computer program(s) from available documentation.

5. The model documentation must include a comparison with air quality data or with other well-established analytical techniques.

6. The developer must be willing to make the model available to users at reasonable cost or make it available for public access through the National Technical Information Service; the model can not be proprietary.

EPA staff will review the models that are submitted and take one of the following actions: (1) Recommend that the model be included in the Guideline on Air Quality Models for routine use; (2) Recognize in the Guideline that the model exists, but require a case-by-case determination as to acceptability before the model can be used for a specific regulatory application. (3) Reject the model and return it to the developer. For the present it appears that criteria for selection of one of these actions are uncertain. this uncertainty results from a lack of performance standards that have been adopted by the scientific community, inadequate data bases for thorough model evaluation, and the need for regulatory consistency in the selection and use of models. EPA also solicits comment on the criteria that model developers believe to be appropriate in reviewing models.

Models that are candidates for inclusion in the Guideline will be identified and available for comment at the public meetings and Conference proposed above. The fact that a model has been submitted to the Agency or is being reviewed does not give it any particular status. The status of models will only be established by final revisions to the Guideline on Air Quality Models.

Letters of intent to submit refined air quality models that will be available in the next twelve (12) months are requested so that Agency resources can be planned for the necessary reviews. Letters of intent should be sent within sixty (60) days of the date of this notice to the Source Receptor Analysis Branch (MD–14), U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711, Attn: Jerome B. Mersch. Once work on the model is cocmpleted, formal submittal should consist of a magnetic tape containing the program source code for the model and the test data set written at 1600 bpi in EBCDIC, three copies of the user's guide, any related documentation concerning past applications and performance of the model, and a statement on what arrangements will be made for public access to the model. Formal submittal of the model and of criteria that model developers believe should be used in developing agency recommendations on specific models should also be sent to the above address.

Dated: March 21, 1980.

David G. Hawkins,

Assistant Administrator for Air, Noise and Radiation.

[FR Doc. 80-9319 Filed 3-26-80; 8:45 am]

BILLING CODE 6560-01-M

[4] Environmental Protection Agency. "User's Manual for Single Source (CRSTER) Model." *Publication No. EPA–450/2–77–013*, Environmental Protection Agency, Research Triangle Park, North Carolina 27711, July 1977.

[80P–93; FRL 1448–1]

Miller-Morton Co.; Approval of Application To Register Pesticide Product Entailing a Changed Use Pattern

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces approval of an application to register the pesticide product Sergeant's Long-Lasting Household Insecticide containing the active ingredient naled.

FOR FURTHER INFORMATION CONTACT: William Miller, Product Manager (PM 16), Office of Pesticide Programs (TS–767), Room E–343, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, 202–426–9458.

SUPPLEMENTARY INFORMATION: On April 21, 1976, notice was given (41 FR 16686) that Miller-Morton Co., P.O. Box 6235, Richmond, VA 23230, had filed an application (EPA File Symbol 778–GI) with the EPA to register the pesticide

product Sergeant's Long-Lasting Household Insecticide containing 25% of the active ingredient naled (1,2-dibromo-2,2-dichloroethyl dimethyl phosphate). As stated in the April 21, 1976, notice, the applicant proposed that the use pattern of this pesticide be classified for general use as a household (continuous release) insecticide strip. Notice of this registration is given in accordance with 40 CFR 162.7(d)(2).

This application was approved June 5, 1979, and the product has been assigned the EPA Registration No. 778–38. Sergeant's Long-Lasting Household Insecticide is classified for general use as an insecticide. A copy of the approved label and the list of data references used to support registration are available for public inspection in the Product Manager's (PM 16) office, Room E–343, Registration Division (TS–767), Office of Pesticide Programs, 401 M Street, S.W., Washington, DC 20460, telephone number 202/426–9458. The data and other scientific information used to support registration, except for the material specifically protected by section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (92 Stat. 819; 7 U.S.C. 136) will be available for public inspection in accordance with section 3(c)(2) of FIFRA, within 30 days after the registration date of June 5, 1979. Requests for data must be made in accordance with the provisions of the Freedom of Information Act and must be addressed to the Freedom of Information Office (A–101), EPA, at the above address. Such request should: 1) identify the product by name and registration number and 2) specify the data or information desired.

Dated: March 14, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80–9317 Filed 3–26–80; 8:45 am]

BILLING CODE 6560–01–M

[OPP–50467; FRL 1447–6]

Union Carbide Corp.; Experimental Use Permit for the Sodium Salt of 2-(M-Chlorophenoxy)Propionic Acid

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has issued an experimental use permit to Union Carbide for the use of the plant growth regulator sodium salt of 2-(*m*-chlorophenoxy)propionic acid on pineapples to evaluate reduction of crown growth and the increase in size of pineapple fruit on both plant and ratoon crops.

FOR FURTHER INFORMATION CONTACT: Ms. Willa Garner, Product Manager (PM–23), Rm. E–351 (TS–767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460 (202–755–1397).

SUPPLEMENTARY INFORMATION: Union Carbide Corp., Agricultural Products Co., Inc., Brookside Ave., Ambler, PA 19002, has been issued experimental use permit No. 264–EUP–52. This permit allows the use of 560 pounds of the plant growth regulator sodium salt of 2-(*m*-chlorophenoxy)propionic acid on pineapples to evaluate reduction of crown growth and the increase in size of pineapple fruit and plant and ratoon crops.

A total of 1,800 acres are involved; the program is authorized only in the State of Hawaii. This experimental use permit is effective from February 20, 1980, to February 20, 1982.

A temporary tolerance for residues of the active ingredient in or on pineapple fodder and forage and the kidneys and meat only of cattle, goats, hogs, horses, and sheep has been established.

Persons wishing to review the experimental use permit are referred to the designated Product Manager (PM), Registration Division (TS–767), Office of Pesticide Programs, EPA, 401 M Street, S.W., Washington, D.C. 20460. Inquiries regarding this permit should be directed to the contact person given above. It is suggested that interested persons call before visiting the EPA Headquarters Office so that the appropriate file may be made conveniently available for review purposes. The files will be available for inspection from 8:30 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

(Sec. 5, 92 Stat. 819 as amended (7 U.S.C. 136))

Dated: March 20, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80–9320 Filed 3–26–80; 8:45 am]

BILLING CODE 6560–01–M

[8OP–13; FRL 1446–6]

U.S. Department of Interior and U.S. Army Corps of Engineers; Filing of Food Additive Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Water and Power Resources Service, U.S. Department of Interior, Washington, DC 20240 and the U.S. Army Corps of Engineers, Washington, DC 20314, have submitted a petition (FAP OH5252) proposing to amend 21 CFR 193.100 by permitting residues of the herbicide 2.4-dichlorophenoxyacetic acid in potable water at 0.1 part per million (ppm) in connection with an experimental program under the Federal Food, Drug, and Cosmetic Act.

FOR FURTHER INFORMATION CONTACT: Willa Garner, Product Manager (PM–23), Rm. E–351, Office of Pesticide Programs (TS–767), Environmental Protection Agency, 401 M St. SW., Washington, DC 20460 202–755–1397.

COMMENTS: Comments may be made at any time while the petition is pending before the Agency. Comments submitted should bear a notation indicating the petition number "FAP OH5252". Written comments filed in connection with this notice will be available for public inspection in the Product Manager's office from 8:30 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

SUPPLEMENTARY INFORMATION: Water and Power Resources Service, U.S. Department of Interior, Washington, DC 20240 and the U.S. Army Corps of Engineers, Washington, DC 20314, have submitted a food additive petition proposing that 21 CFR 193.100 be amended by permitting residues of the herbicide 2,4-dichlorophenoxyacetic acid with a tolerance limitation of 0.1 ppm in potable water in connection with an experimental program applying said herbicide in multiple use water systems to control Eurasian watermilfoil.

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 135))

Dated: March 20, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80–9128 Filed 3–26–80; 8:45 am]

BILLING CODE 6560–01–M

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

Open Committee Meetings

Pursuant to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Friday, April 11, 1980.
Monday, April 28, 1980.

The meetings will convene at 10 a.m., and will be held in Room 5A06A, Office of Personnel Management Building, 1900 E Street, NW, Washington, D.C.

The Federal Prevailing Rate Advisory Committee is composed of a Chairman,

representatives of five labor unions holding exclusive bargaining rights for Federal blue-collar employees, and representatives of five Federal agencies. Entitlement to membership in the Committee is provided for in 5 U.S.C. 5347.

The Committee's primary responsibility is to review the prevailing rate system and other matters pertinent to the establishment of prevailing rates under subchapter IV, chapter 53, 5 U.S.C., as amended, and from time to time advise the Office of Personnel Management thereon.

These scheduled meetings will convene in open session with both labor and management representatives attending. During the meeting either the labor members or the management members may caucus separately with the Chairman to devise strategy and formulate positions. Premature disclosure of the matters discussed in these caucuses would impair to an unacceptable degree the ability of the Committee to reach a consensus on the matters being considered and disrupt substantially the disposition of its business. Therefore, these caucuses will be closed to the public on the basis of a determination made by the Director of the Office of Personnel Management under the provisions of section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463) and 5 U.S.C., section 552b(c)(9)(B). These caucuses may, depending on the issues involved, constitute a substantial portion of the meeting.

Annually, the Committee publishes for the Office of Personnel Management, the President, and Congress a comprehensive report of pay issues discussed, concluded recommendations thereon, and related activities. These reports are also available to the public, upon written request to the Committee Secretary.

Members of the public are invited to submit material in writing to the Chairman concerning Federal Wage System pay matters felt to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Secretary, Federal Prevailing Rate Advisory Committee, Room 1340, 1900 E Street, NW., Washington, D.C. 20415 (202–632–9710).

Jerome H. Ross,

Chairman, Federal Prevailing Rate Advisory Committee.

March 24, 1980.

[FR Doc. 80-9303 Filed 3-26-80; 8:45 am]

BILLING CODE 6325-01-M

FEDERAL RESERVE SYSTEM

Chisago Holding Co.; Acquisition of Bank

Chisago Holding Company, Chisago City, Minnesota, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 51.6 per cent of the voting shares of Tri-County National Bank, Forest Lake, Minnesota, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than April 18, 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, March 19, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-9310 Filed 3-26-80; 8:45 am]

BILLING CODE 6210-01-M

Concho Bancshares, Inc.; Formation of Bank Holding Company

Concho Bancshares, Inc., San Angelo, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares (less directors' qualifying shares) of Southwest Bank of San Angelo, San Angelo, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 21, 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, March 21, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-9311 Filed 3-26-80; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Shelter Resources Corporation is granted early termination of the waiting period provided by law and the premerger notification rules with respect to its proposed acquisition of all voting securities of Cole Consumer Products, Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: March 12, 1980.

for further information contact:
Joan S. Truitt, Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202—523–3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agenices, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 80-9373 Filed 3-26-80; 8:45 am]

BILLING CODE 6750-01-M

GENERAL ACCOUNTING OFFICE

Regulatory Reports Review; Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting

information from the public was received by the Regulatory Reports Review Staff, GAO, on March 20, 1980. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the Federal Register is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed NRC request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before April 14, 1980, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW, Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202–275–3532.

Nuclear Regulatory Commission

The NRC requests clearance of a new, voluntary, Form NRC–353, Reference Appraisal of Applicant for Employment. The information to be submitted to NRC on Form NRC–353 will be used to determine the qualifications and suitability of applicants for employment with the Nuclear Regulatory Commission. The completed form will be used to examine, rate and/or assess the qualifications of prospective employees. The form will be sent to previous employers and instructors of persons applying for positions with the NRC. The data submitted to the NRC on the form will be reviewed by professional personnel of the Division of Organization and Personnel. In addition, engineers from NRC program offices will examine the evaluations from previous employers and instructors to assess the qualifications of persons applying for positions with the NRC. The NRC estimates that the respondent burden will average 15 minutes per response and that approximately 4,000 forms will be filled out annually.

John M. Lovelady,

Assistant Director, Regulatory Reports Review.

[FR Doc. 80-9312 Filed 3-26-80; 8:45 am]

BILLING CODE 1610-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Assistant Secretary for Health

List of Qualified Health Maintenance Organizations; February

AGENCY: Public Health Service, HEW.

ACTION: Notice, February list of qualified health maintenance organizations.

SUMMARY: This notice sets forth the names, addresses, service areas, and date of qualification of entities determined by the Secretary to be qualified health maintenance organizations (HMOs).

FOR FURTHER INFORMATION CONTACT: Howard R. Veit, Director, Office of Health Maintenance Organizations, Park Building—Third Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443–4106.

SUPPLEMENTARY INFORMATION: Regulations issued under Title XIII of the Public Health Service Act, as amended, (42 CFR 110.605(b)) require that a list and description of all newly qualified HMOs be published on a monthly basis in the Federal Register. The following entities have been determined to be qualified HMOs under Section 1310(d) of the Public Health Service Act (42 U.S.C. 300e–9(d)):

Qualified Health Maintenance Organizations

Name, address, service area, and date of qualification

(Operational Qualified Health Maintenance Organizations: 42 CFR 110.603(a))

1. South Florida Group Health, Inc., (Individual Practice Association Model, see Section 1310(b)(2)(A) of the Public Health Service Act), 8001 N.W. 36th Street, Suite 103, Miami, Florida 33166. Service area: Dade County, Florida. Date of qualification: February 8, 1980. (Achieved preoperational qualification on February 7, 1980.)

2. Group Health Service Plan, dba Healthcare, (Medical Group Model, see Section 1310(b)(1) of the Public Health Service Act), 930 Alhambra Boulevard, Sacramento, California 95816. Service area: Sacramento County, California and zip codes in the following counties:

Placer	*El Dorado*	*Yolo*
95603	95613–4	95605
95617	95623	95612
95648	95651	95618
95650	95664	95645
95658	95672	95691
95663	95682	95695
95677–8		

Date of qualification: February 20, 1980.

3. HEALTH1ST, (Individual Practice Association Model, see Section 1310(b)(2)(A) of the Public Health Service Act), 250 Piedmont Avenue, NE., Suite 1226, Atlanta, Georgia 30308. Service area: Metropolitan Atlanta; and Clayton, Cobb, Dekalb, Fulton, Gwinnett, Henry, Douglas, and Rockdale Counties, Georgia. Date of qualification: February 20, 1980.

(Preoperational Qualified Health Maintenance Organizations: 42 CFR 110.603(c))

1. Health Plan of the Redwoods, (Individual Practice Association Model, see Section 1310(b)(2)(A) of the Public Health Service Act), 3033 Cleveland Avenue, Santa Rosa, California 95401. Service area: Sonoma County, California. Date of qualification: February 7, 1980.

2. Independent Health Association, Inc., (Individual Practice Association Model, see Section 1310(b)(2)(A) of the Public Health Service Act), 4511 Harlem Road, Buffalo, New York 14226. Service area: Erie and Niagara Counties, New York. Date of qualification: February 9, 1980.

Files containing detailed information regarding qualified HMOs will be available for public inspection between the hours of 8:30 a.m., and 5:00 p.m., on Tuesdays and Thursdays, except for Federal holidays, in the Office of Health Maintenance Organizations, Office of the Assistant Secretary for Health, Department of Health, Education, and Welfare, Park Building, 3rd Floor, Rockville, Maryland 20857.

Questions about the review process or requests for information about qualified HMOs should be sent to the same office.

Dated: March 20, 1980.

Howard R. Veit,

Director, Office of Health Maintenance Organizations.

[FR Doc. 80-9232 Filed 3-26-80; 8:45 am]

BILLING CODE 4110-85-M

Public Health Conference on Records and Statistics

The Assistant Secretary for Health announces the dates and other information for the following conference scheduled to assemble during the month of August 1980:

NAME: Public Health Conference on Records and Statistics.

DATE AND TIME: August 4–6, 1980, 9:00 a.m.

PLACE: Capital Hilton Hotel, 16th and K Streets, N.W., Washington, D.C. 20036. Open to the Public (Registration required).

PURPOSE: The Eighteenth National Meeting of the Public Health Conference on Records and Statistics (PHCRS) sponsored by the National Center for Health Statistics will be held on August 4–6, 1980. This national Conference is recognized as one of the paramount meetings for workers in the field of public health statistics. The theme of the Conference is "New Challenges for Vital and Health Records," and the program will have presentations and discussions on the following subjects: new

challenges to vital records in terms of statistical and registration functions, data needs for health care technology assessment, utilization of vital statistics data in environmental and occupational health studies, application of records on medical care costs and expenditures to ascertain the health costs of environmental hazards, use of vital records in health promotional efforts, new applications for facilities and manpower statistics, applications of health record data to issues of cost containment, quality assurance, health status, and health planning, report on the 1980 Census.

Anyone wishing to obtain an agenda, registration information or other relevant information concerning the Conference should contact: Conference Management Branch, National Center for Health Statistics, Room 2–12, 3700 East-West Highway, Hyattsville, Maryland 20782, telephone 301–436–7122.

Dated: March 17, 1980.

Wayne C. Richey, Jr.,

Associate Director for Program Support, Office of Health Research, Statistics, and Technology.

[FR Doc. 80-9252 Filed 3-26-80; 8:45 am]

BILLING CODE 4110-85-M

Office of the Secretary

National Advisory Committee on the White House Conference on Families; Meeting

The National Advisory Committee on the White House Conference on Families was established to advise the Secretary, the Chair of the Conference, and the Conference staff on matters pertaining to the Conference, including the development, implementation and execution of overall plans and procedures for the Conference.

In accordance with Pub. L. 92–463, notice is hereby given of a meeting to be held Friday, April 11, 1980 at 7:30 p.m.; and Saturday, April 12, 1980 at 9:00 a.m. in Room 800 of the Hubert H. Humphrey Building at 200 Independence Ave., S.W. Washington, D.C.

The agenda will include: reports on state activities, the Research Forum, national organization activities, and the Gallup Poll; possible convening of state activities subcommittees; development of format and agenda for the three White House Conferences; and a discussion of issue development activities.

All meetings will be open to the public; however, seating capacity will be limited.

Further information on the meetings may be obtained from the White House Conference on Families at 330 Independence Avenue, S.W., Washington, D.C. 20201; telephone number: (202) 245–6073.

Dated: March 21, 1980.

John L. Carr,

Executive Director.

[FR Doc. 80-9323 Filed 3-26-80; 8:45 am]

BILLING CODE 4110-12-M

Public Health Service

National Research Service Awards, and Studies Respecting Biomedical and Behavioral Research Personnel; Delegation of Authority

Notice is hereby given that in furtherance of the delegation of July 20, 1979 by the Secretary of Health, Education, and Welfare, to the Assistant Secretary for Health (44 FR 46318), the Assistant Secretary for Health has delegated to the Deputy Assistant Secretary for Health Research, Statistics, and Technology, with authority to redelegate, the following authorities under Title IV of the Public Health Service Act, as amended (42 U.S.C. 281 *et seq.*):

1. Authority under section 472 of the Public Health Service Act, as amended (42 U.S.C. 289*l*–1), for National Research Service Awards, excluding the authority to promulgate regulations; and

2. Authority under section 473 of the Public Health Service Act, as amended (42 U.S.C. 289*l*–2), for studies respecting biomedical and behavioral research personnel, excluding the authority to submit reports to Congress or its committees.

These authorities are authorized to be exercised insofar as they pertain to the functions assigned to be carried out within the National Center for Health Services Research, National Center for Health Statistics, and National Center for Health Care Technology.

The delegation to the Deputy Assistant Secretary for Health Research, Statistics, and Technology became effective on March 18, 1980.

Dated: March 18, 1980.

Charles Miller,

Acting Assistant Secretary for Health.

[FR Doc. 80-9251 Filed 3-26-80; 8:45 am]

BILLING CODE 4110-85-M

DEPARTMENT OF HEALTH, AND EDUCATION, WELFARE

Office of Education

Petition Review Subcommittee of the Advisory Committee on Accreditation Institutional Eligibility; Public Meeting

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

ACTION: Notice of Public Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of the next public meeting of the Petition Review Subcommittee of the Advisory Committee on Accreditation and Institutional Eligibility. Notice of this meeting is required under the Federal Advisory Committee Act (5 U.S.C. Appendix 1, 10(a)(2)). This document is intended to notify the general public of its opportunity to attend and participate.

DATES: April 21, 1980, 9:00 a.m. to 4:45 p.m., local time; April 22, 1980, 8:30 a.m. to 4:00 p.m; and April 23, 1980, 9:00 a.m. to 3:00 p.m. Requests for oral presentations before the Advisory Committee must be received on or before April 11, 1980. All written materials which a party wishes to file may be submitted at any time and will be considered by the Advisory Committee.

ADDRESS: Holiday Inn, Silver Spring Convention Center, 8777 Georgia Avenue, Silver Spring, Maryland.

FOR FURTHER INFORMATION CONTACT: John R. Proffitt, Director, Division of Eligibility and Agency Evaluation, Office of Education, Room 3030, ROB 3, 400 Maryland Avenue, S.W., Washington, D.C. 20202 (202/245–9873).

The Advisory Committee on Accreditation and Institutional Eligibility is established pursuant to section 253 of the Veterans' Readjustment Assistance Act (Chapter 33, Title 38, U.S. Code). The Committee advises the Commissioner of Education regarding the Commissioner's responsibilities to publish lists of nationally recognized accrediting agencies and associations; State agencies recognized for the approval of public postsecondary vocational edcuation; and accrediting and State agencies recognized for the approval of nurse education. The Committee also advises the Commissioner regarding requests by Federal agencies and institutions seeking Congressional authority to grant degrees; regarding requests by institutions seeking eligibility based upon determinations of satisfactory assurance that they will meet accrediting standards within a

reasonable period of time; and regarding policy affecting accreditation and institutional eligibility for participation in Federal funding programs.

The Petition Review Subcommittee is established pursuant to the Advisory Committee's Charter. The meeting on April 21, 22 and 23 will be open to the public. The Subcommittee will review petitions from accrediting and State approval agencies seeking initial or continued recognition, and a request for a satisfactory assurance determination. The Subcommittee also will hear presentations by representatives of the petitioning agencies and interested third parties. The Subcommittee will develop recommendations concerning each review and will submit them to the full Committee during its next meeting.

The Subcommittee will conduct the following reviews:

Accrediting Bureau of Health Education Schools (petition for renewal of recognition for accreditation of private medical assistant education institutions and programs and schools and programs for the medical laboratory technician; and petition for extension of scope of recognition to include accreditation of programs for the animal health technician, electrocardiograph technician, emergency medical technician, medical laboratory assistant, medical receptionist, medical secretary, nurse's aide/assistant, operating room technician [surgical], respiratory therapy technician, veterinarian assitant and ward clerk)

American Assembly of Collegiate Schools of Business, Accreditation Council (petition for renewal of recognition for accreditation of baccalaureate and graduate degree programs in business and administration)

American Association for Marriage and Family Therapy, Commission on Accreditation for Marriage and Family Therapy Education (petition for renewal of recognition for accreditation of graduate degree and clinical training programs in marriage and family counseling, with special emphasis on concerns related to administrative support and assessment of validity and reliability of standards; and clarification of scope of recognition to substitute marriage and family therapy for marriage and family counseling)

American Physical Therapy Association, Committee on Accreditation in Education (petition for renewal of recognition for accreditation of professional programs for the physical therapist and programs for the physical therapist assistant)

American Speech-Language-Hearing Association, American Boards of Examiners in Speech Pathology and Audiology (petition for renewal of recognition for accreditation of master's degree programs)

Liaison Committee on Medical Education (petition for renewal of recognition for accreditation, and preaccreditation as "Reasonable Assurance" and "Provisional Accreditation," of programs leading to the M.D. degree; with special emphasis on concerns about the agency's autonomy and impartiality)

Martin Center College, Indianapolis, Indiana (request for determination of satisfactory assurance that it will meet the accrediting standards of a nationally recognized accrediting agency within a reasonable period of time)

Minnesota State Board for Vocational-Technical Education (petition for renewal of recognition as a State agency for the approval of public postsecondary vocational education)

National Accreditation Association and the American Examining Board of Psychoanalysis, Inc., Education and Accreditation Committee (petition for initial recognition for accreditation of pyschoanalytic and psychoanalytic psychotherapy training programs)

National Home Study Council, Accrediting Commission (petition for renewal of recognition for accreditation of home study schools and petition for extension of scope of recognition to include accreditation of degree granting programs)

New York State Board of Regents (petition for renewal of recognition as a nationally recognized accrediting agency, for registration [accreditation] of collegiate degree-granting programs or curriculums offered by institutions of higher education; and petition for renewal of recognition as a State agency for the approval of public postsecondary vocational education)

New York Board of Regents (Nursing Education Unit) (petition for renewal of recognition as a State agency for the approval of nurse education, with special emphasis on concerns about the Board's requirements for institutional annual reports and annual audits, and procedures for revocation and reinstatement of accreditation)

Requests for oral presentations before the Advisory Committee should be submitted in writing to the Director, Division of Eligibility and Agency Evaluation, Office of Education, Room 3030, ROB 3, 400 Maryland Avenue, S.W., Washington, D.C. 20202. Requests should include the names of all persons seeking an appearance, the party or parties which they represent (if applicable), and the purpose for which the presentation is requested. Requests must be received by the Division of Eligibility and Agency Evaluation on or before April 11, 1980. Time constraints may limit oral presentations. However, all additional written material which a party wishes to file will be considered by the Advisory Committee.

Records shall be kept of all Committee proceedings and shall be available for public inspection at the Division of Eligibility and Agency Evaluation.

Signed at Washington, D.C. on March 21, 1980.

John R. Proffitt,

Director, Division of Eligibility and Agency Evaluation Office of Education.

[FR Doc. 80-9306 Filed 3-26-80; 8:45 am]

BILLING CODE 4110-84-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Caddo Tribe of Indians; Plan for the Use and Distribution of the Caddo Tribe of Indians Judgment Funds in Docket 226 Before the Indian Claims Commission

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary for Indian Affairs by 209 DM 8.

The Act of October 19, 1973 (Pub. L. 93-134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated on March 10, 1978, in satisfaction of the award granted to the Caddo Indian Tribe of Oklahoma in Indian Claims Commission Docket 226. The plan for the use and distribution of the funds were submitted to the Congress with a letter dated May 30, 1979, and was received (as recorded in the Congressional Record) by the House of Representatives on June 4, 1979 and by the Senate on June 5, 1979. Congress not having adopted a resolution disapproving it, the plan became effective on September 17, 1979, as provided by Section 5 of the 1973 Act, *supra*.

Publication of this plan has been delayed pending passage of S. J. Resolution 108 (which became Pub. L. 96-194 on February 21, 1980) to validate plans submitted after the deadlines specified in the 1973 Act, *supra*.

The plan reads as follows:

"The funds appropriated on March 10, 1978, in satisfaction of an award granted to the Caddo Tribe of Indians in Docket 226 before the Indian Claims Commission, less attorney fees and litigation expenses, and including all interest and investment income accrued, shall be used and distributed as provided herein.

Per Capita Payment Aspect

The Caddo Tribe of Indians' membership roll shall be brought current under procedures enacted by the tribe and approved by the Secretary of the Interior and in accordance with the criteria in Article III, Sections 1 through

7 of the tribe's constitution, to include all eligible members born on or prior to and living on the effective date of this plan. Subsequent to the preparation and approval of the membership roll, the Secretary of the Interior (hereinafter 'Secretary') shall make a per capita distribution of eighty (80) percent of the funds, in a sum as equal as possible, to each tribal enrollee.

The per capita shares of living competent adults shall be paid directly to them. The per capita shares of legal incompetents shall be handled pursuant to 25 CFR 104.5. The per capita shares of minors shall be handled pursuant to § 60.10(a)(b)(1) and 104.4 of 25 CFR, 1977 edition. The per capita shares of deceased individual beneficiaries shall be determined and distributed in accordance with 43 CFR, Part 4, Subpart D.

Programing Aspect

Twenty (20) percent of the funds shall be invested either in a private investment program, the terms of which shall be subject to the approval of the Secretary, or by the Secretary pursuant to the provisions of 25 USC 162a. The income plus interest accruing from the investment shall be made available for use in programs of social and economic benefits, as proposed in the tribe's plan of operation and annual budgets as recommended by the tribal membership, either under the terms of the private investment agreement or by approval of the Secretary. The tribe may utilize portions of the principal funds in the programs for which investment income is budgeted or in any other programs as are proposed by the tribal membership either under the terms of the private investment agreement or by approval of the Secretary.

The tribal membership shall have an opportunity for input in the development of all proposed programs and to discuss and take action upon them. The Tribal Council shall implement and administer the approved programs.

Rick Lavis,

Deputy Assistant Secretary, Indian Affairs.

[FR Doc. 80-9234 Filed 3-26-80; 8:45 am]

BILLING CODE 4310-02-M

Nisqually Tribe of Indians; Plan for the Use and Distribution of the Nisqually Tribe of Indians' Judgment Funds in Docket 197 Before the Indian Claims Commission

March 13, 1980.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary for Indian Affairs by 209 DM 8.

The Act of October 19, 1973 (Pub. L. 93-134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated on September 30, 1976, 90 Stat. 1415, in satisfaction of the award granted to the Nisqually Tribe of Indians in Indian Claims Commission Docket 197. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated July 24, 1979, and was received (as recorded in the Congressional Record) by the House of Representatives on July 30, 1979 and by the Senate on July 31, 1979. Congress not having adopted a resolution disapproving it, the plan became effective on October 10, 1979, as provided by Section 5 of the 1973 Act, *supra.*

Publication of this plan has been delayed pending passage of S. J. Resolution 108 (which became Pub. L. 96-194 on February 21, 1980) to validate plans submitted after the deadlines specified in the 1973 Act, *supra.*

The plan reads as follows:

"The funds appropriated by the Act of September 30, 1976, 90 Stat. 1415, in satisfaction of an award granted to the Nisqually Tribe of Indians in Docket 197 before the Indian Claims Commission, less attorney fees and litigation expenses, and including all interest and investment income accrued, shall contine to be held and invested by the Secretary of the Interior pursuant to the provisions in 25 U.S.C. 162a until such time as the funds are needed for the tribe's land purchase program as outlined in the Nisqually Indian Tribal Council's Resolution 13-1979 and the accompanying plan adopted February 13, 1979. Each use of the funds for acquisition of land for the tribe under the tribe's land purchase program, as the program presently exists or may be modified with the approval of the Secretary of the Interior, shall be subject to the approval of the Secretary."

Rick Lavis,

Deputy Assistant Secretary, Indian Affairs.

[FR Doc. 80-9235 Filed 3-26-80; 8:45 am]

BILLING CODE 4310-02-M

Pyramid Lake Paiute Tribe; Plan for the Use and Distribution of Pyramid Lake Paiute Tribe Judgment Funds Awarded in Docket 87-B Before the Indian Claims Commission

March 13, 1980.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary for Indian Affairs by 209 DM 8.

The Act of October 19, 1973 (Pub. L. 93-134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment to any Indian tribe. Funds were appropriated by the Act of December 18, 1975, 89 Stat. 826, 842, in satisfaction of the award granted to the Pyramid Lake Paiute Tribe in Indian Claims Commission Docket 87-B. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated March 21, 1979, and was received (as recorded in the Congressional Record) by the House of Representatives on March 21, 1979, and the Senate on March 22, 1979. Congress not having adopted a resolution disapproving it, the plan became effective on June 12, 1979, as provided by Section 5 of the 1973 Act, *supra.*

Publication of this plan has been delayed pending passage of S.J. Resolution 108 (which became Pub. L. 96-194 on February 21, 1980) to validate plans submitted after the deadlines specified in the 1973 Act, *supra.*

The plan reads as follows:

"The funds appropriated by the Act of December 18, 1975, 89 Stat. 826, 842, in satisfaction of an award granted to the Pyramid Lake Paiute Tribe in Docket 87-B before the Indian Claims Commission, less attorney fees and litigation expenses, and including all interest and investment income accrued, shall be used and distributed as provided herein.

A. Preparation of Pyramid Lake Paiute Tribal Roll

The Secretary of the Interior (hereinafter 'Secretary') shall prepare, in cooperation with the tribal governing body and enrollment committee, according to the enrollment criteria specified in Article II of the Pyramid Lake tribal constitution, and under procedures to be prescribed by the Secretary, a tribal roll containing the names of all eligibles persons born on or prior to and living on the effective date of this plan.

In order to prepare an official tribal roll the Secretary shall first construct the tribal base roll of January 1, 1935, by employing the Pyramid Lake Census of April 1, 1934, and the supplement of December 31, 1934, and removing therefrom the names of all persons deceased prior to January 1, 1935. The decision of the Secretary concering eligibility to appear on the constructed base roll or on the tribal roll brought current to the effective date of this plan shall be final.

B. Per Capita Payment Aspect

Eighty (80) percent of the funds shall be distributed in the form of per capita payments, in a sum as equal as possible, to all persons whose names appear on the tribal roll prepared as specified in Section A of this plan.

The per capita shares of living competent adults shall be paid directly to them. Per capita shares of deceased individual beneficiaries shall be determined and distributed pursuant to 43 CFR, Part 4, Subpart D. Per capita shares of legal incompetents shall be handled pursuant to 25 CFR 104.5. Per capita shares of minors shall be handled pursuant to 25 CFR 60.10(a) and (b)(1) and 104.4.

C. Programing Aspect

Twenty (20) percent of the funds, and any amounts remaining after the per capita payment provided above, shall be invested by the Secretary and only the interest and investment income accrued shall be utilized by the tribal governing body, subject to the approval of the Secretary, for social and economic programs. Such program funds shall be utilized on an annual budgetary basis and may include, but are not limited to, the following: Education, including Vocational Education, Benefits; Development of Economic Enterprises; Social Programs such as a Burial Fund and Child Care and Senior Citizen Centers; Improvement of Tribal Law Enforcement; Community Facilities for Wadsworth, Nixon and Sutcliffe; Land and Agricultural Development; Industrial Park Development; Tribal Legal Needs; Development of a Tribal Credit Union; and the Development of a Tribal Store.

None of the funds distributed per capita or made available under the programming aspect of this plan shall be subject to Federal or State income taxes or be considered income or resources in determining eligibility for assistance under Federal, State or local programs."

Rick Lavis,

Deputy Assistant Secretary, Indian Affairs.

[FR Doc. 80-9236 Filed 3-26-80; 8:45 am]

BILLING CODE 4310-02-M

Receipt of Petition for Reassumption of Jurisdiction Muckleshoot Indian Tribe, Auburn, Wash.

March 11, 1980.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary, Indian Affairs by 209 DM 8.

The Indian Child Welfare Act of 1978 provides, subject to certain specified conditions, that Indian tribes may petition the Secretary of the Interior for reassumption of jurisdiction over Indian child custody proceedings.

This is notice that a petition has been received by the Secretary from the Muckleshoot Indian Tribe, Auburn, Washington, for the tribal reassumption of jurisdiction over child custody proceedings. The petition is under review, and may be inspected and copied at the Puget Sound Agency Office, Bureau of Indian Affairs, Everett, Washington.

Rick Lavis,

Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 80-9233 Filed 3-26-80; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

California Desert Conservation Area; Public Meetings

Notice is hereby given that public meetings will be held in California at the times and places shown below for the purpose of taking public input on the Plan Alternatives and Draft Environmental Impact Statement for management of the lands and resources of the California Desert Conservation Area.

Interested persons are urged to obtain copies of the draft document and make comments thereon. Copies may be obtained by writing: Desert Plan, Box 5555, Riverside, CA 92507; or by calling (toll-free, California only) (800) 442-4946, or (outside California) (714) 787-1655. All meetings will run from 3 p.m. to 8 p.m.

Thursday, April 17—San Diego, S.D. Veterans Memorial Bldg., Park Blvd. & Zoo Drive, Balboa Park

Tuesday, April 22—Sacramento, Sutter-Placer Room, Sacramento Community Center, 14th & K Streets

Wednesday, April 23—Oakland, Kaiser Center Auditorium, 300 Lakeside Drive

Wednesday, April 30—Los Angeles, Board of Supervisors Hearing Room, 500 West Temple

Thursday, May 1—Palm Springs, International Hotel, International Room, 1800 S. Palm Canyon Drive

Thursday, May 1—San Bernardino, 303 North "E" Street, San Bernardino Convention Center

Monday, May 5—El Centro, Imperial Irrigation District Auditorium, 1285 Broadway

Monday, May 5—Bishop, City Council Chambers, 377 West Line Street

Tuesday, May 6—Ridgecrest, Burroughs High School, Multi-Use Room, Burroughs Access Road

Tuesday, May 6—Blythe, Ruth Brown School Auditorium, 241 North 7th Street

Wednesday, May 7—Barstow, City Council Chambers, 220 E. Mountain View Street

Wednesday, May 7—Needles, City Council Chambers, 1111 Bailey

Dated: March 19, 1980.

Ron Hofman,

Acting State Director.

[FR Doc. 80-9238 Filed 3-26-80; 8:45 am]

BILLING CODE 4310-84-M

California Desert Conservaton Area Advisory Committee; Meeting

Notice is hereby given in accordance with Pub. L. 92-463 and 94-579 that the California Desert Conservation Area Advisory Committee to the Bureau of Land Management, U.S. Department of the Interior, will meet April 18, 1980 in San Diego, California. The purpose of the meeting is to: review the work program leading to publication of the proposed plan and final Environmental Impact Statement for management of the California Desert Conservation Area; adopt procedures by which the Advisory Committee will give advice on the plan to the Secretary of the Interior; and discuss issues identified by Committee members which should be addressed in the proposed plan.

The meeting will be held in the Empire Room of the Hanalei Hotel, 2270 Hotel Circle North, San Diego, CA 92138, beginning at 8 a.m., Friday, April 18. The meeting is open to the public, and interested persons may attend and file statements with the Advisory Committee. Further information, including the meeting agenda, may be obtained from the Chairman, California Desert Conservation Area Advisory Committee, c/o Desert Plan Staff, 3610 Central Avenue, Suite 402, Riverside, CA 92506.

Dated: March 19, 1980.

Ron Hofman,

Acting State Director.

[FR Doc. 80-9239 Filed 3-26-80; 8:45 am]

BILLING CODE 4310-84-M

[OR 23696(Wash)]

Washington; Proposed Withdrawal and Reservation of Lands

The Forest Service, U.S. Department of Agriculture, on March 3, 1980, filed application Serial No. OR 23696(Wash), for withdrawal of the following described lands from location and entry under the mining laws, subject to valid existing rights:

Willamette Meridian

Gifford Pinchot National Forest

T. 10 N., R. 5 E.,
Sec. 6, that portion of MS 888 within said Sec. 6;

Sec. 7, that portion of MS 888 within said Sec. 7.
T. 11 N., R. 5 E.,
Sec. 28, that portion of MS 837 within said Sec. 28;
Sec. 29, that portion of MS 837 within said Sec. 29;
Sec. 31,, that portion of MS 859 within said Sec. 31;
Sec. 32, that portion of MS 837 within the N½N½ of said Sec. 32.

The areas described aggregate 406.81 acres in Skamania and Lewis Counties, Washington.

The purpose of the withdrawal is to protect the status of the lands to permit consummation of a pending National Forest System land exchange pursuant to the General Exchange Act of March 20, 1922, as amended, and Sec. 206 of the Federal Land Policy and Management Act of October 21, 1976.

On or before April 29, 1980, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned authorized officer of the Bureau of Land Management.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the State Director, Bureau of Land Management, at the address shown below, on or before April 29, 1980. If a public hearing is scheduled, a notice will be published in the **Federal Register** giving the time and place of such hearing. The public hearing will be scheduled and conducted in accordance with BLM Manual, Sec. 2351.16B.

The Department of the Interior's regulations provide that the authorized officer of the BLM will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of assuring that the area sought is the minimum essential to meet the applicant's needs, providing for the maximum concurrent utilization of the lands for purposes other than the applicant's and reaching agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn and reserved as requested by the applicant agency. The determination of the Secretary on the application will be published in the **Federal Register.**

The above described lands are temporarily segregated from location and entry under the mining laws to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. The segregative effect of the withdrawal application will terminate two years from the date of publication of this notice, unless sooner terminated by action of the Secretary of the Interior or by completion of the land exchange.

All communications (except for public hearing requests) in connection with this proposed withdrawal should be addressed to the undersigned officer, Bureau of Land Management, Department of the Interior, P.O. Box 2965, Portland, Oregon 97208.

Dated: March 13, 1980.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 80-9241 Filed 3-26-80; 8:45 am]

BILLING CODE 4310-84-M

Final Decisions on the Intensive Wilderness Inventory of 30 Selected Units in Southeast Oregon

I hereby announce my final intensive inventory decisions on 30 selected inventory units in southeast Oregon. These decisions are issued under the authority of Section 603 of the Federal Land Policy and Management Act and in accordance with the guidelines in the September 27, 1978, BLM *Wilderness Inventory Handbook* and Organic Act Directive Number 78-61, change 3.

By publication in the October 4, 1979, **Federal Register,** pages 57229 and 57230, this office announced the beginning of a 90-day public review and comment period on 30 intensive inventory units containing approximately 1,208,153 acres. The public comment period ended on January 4, 1980. During the public comment period, six public meetings were held. All comments, whether mailed or presented at a public meeting in writing or verbally, as well as late comments received in time to be reviewed before the final decisions were made, were treated equally. They have been read, recorded, analyzed, and, where appropriate, field checked. The final intensive wilderness inventory report, including maps, is available upon request from the Oregon State Office, BLM, P.O. Box 2965, Portland, Oregon 97208.

Wilderness Study Areas

The following areas are identified as wilderness study areas.

a. Lands included in proposed wilderness study areas in the October 4, 1979, **Federal Register** notice.

Unit Number	Name	Acres
	Lakeview District	
1-78	Orejana Rim	22,800
	Burns District	
2-14	Malheur River-Bluebucket Creek	5,560
2-23L	Stonehouse	21,000
2-23M	Stonehouse	8,090
2-74F	Alvord Desert	96,430
2-81L	Pueblo Mountains	50,460
2-82H	Rincon	90,895
	Subtotal—Burns District	272,435
	Vale District	
3-156A	Fifteenmile	48,400
	Grand total	343,635

b. Lands proposed to be eliminated from further wilderness review in the October 4, 1979, **Federal Register** notice but included in wilderness study areas after evaluation of public comments.

Unit Number	Name	Acres
	Burns District	
2-74F*	Alvord Desert	59,540
2-81L*	Pueblo Mountains	16,970
2-82H	Rincon	6,500
	Subtotal—Burns District	83,010
	Vale District	
3-156A	Fifteenmile	100
	Grand total	83,110

c. Lands not included in the proposed decisions but included in a wilderness study area because a mapping error in the location of the boundary of the proposed wilderness study area was corrected after the proposed decision was issued.

Unit Number	Name	Acres
	Burns District	
2-74F	Alvord Desert	4,920
	Total acres in wilderness study areas	431,665

Lands Eliminated From Further Wilderness Review

The following areas are eliminated from further wilderness review because they lack wilderness characteristics.

a. Lands proposed to be eliminated from further wilderness review in the October 4, 1979, **Federal Register** notice.

Unit Number	Name	Acres
Lakeview District		
1-76	Steamboat Point	20,040
1-77	Juniper Canyon	9,920
1-78	Orejana Rim	5,400
1-105	Skokum Lake	30,000
1-111	East Coyote Hills	17,200
	Subtotal—Lakeview District	82,560
Burns District		
2-1*	Coleman Creek	62,885
2-2	Warm Springs-Black Butte	48,950
2-11	Dietrich Cabin	11,300
2-12*	House Butte	32,940
2-13	Bartlett Mountain	8,850
2-14	Malheur River-Bluebucket Creek	120
2-15	Otis Mountain	40,470
2-16	Cottonwood Creek	7,670
2-17	Rocky Basin	12,700
2-21	Beaver Tables I	9,400
2-23*	Stonehouse	132,055
2-24	Fisher Flat	18,290
2-26*	Diamond Craters	15,045
2-74*	Alvord Desert	135,210
2-79*	Pueblo Slough	22,755
2-81	Pueblo Mountains	16,030
2-82*	Rincon	51,335
	Subtotal—Burns District	626,005
Vale District		
3-36	Roger's Place	13,020
3-151	Whitehorse Butte	9,120
3-154	Sand Dunes	6,680
3-156	Fifteenmile	12,340
3-199	Willow Butte	5,890
	Subtotal—Vale District	47,050
Prineville District		
5-57	Peter Well	10,966
5-58	Imperial Well	6,157
	Subtotal—Prineville District	17,123
	Grand total	772,738

b. Land proposed for identification as wilderness study areas in October 4, 1979, **Federal Register** notice but found to lack wilderness characteristics after public comment period.

Unit Number	Name	Acres
Burns District		
2-23M	Stonehouse	480
Burns District—Continued		
2-81L	Pueblo Mountains	30
	Subtotal—Burns District	510
Prineville District		
5-14	Steelhead Falls	3,240
	Grand total	3,750
	Total acres eliminated from further wilderness review.	776,488

*The sizes of these units were recalculated after the announcement of the proposed decisions.

Interstate Unit

Unit 2–81L is contiguous to 10,880 acres of BLM lands in Unit NV–020–642 in the Winnemucca District, Nevada. Public lands in both States were inventoried as one unit, and joint proposed decisions were issued by the Oregon and Nevada State Directors. The proposed decision was that 4,920 acres in Nevada be included in a wilderness study area and that 5,960 acres be eliminated from further wilderness review. The proposed decision for lands in Unit 2–81L is listed in the above table.

After the public comment period, the Nevada and Oregon State Directors arrived at a coordinated decision for all lands in the unit. The Nevada State Director announced the final decision for lands in Nevada in a **Federal Register** notice published on February 15, 1980, page 10461. The final decision is to identify 600 acres in Nevada as part of a wilderness study area extending into Oregon, and to eliminate 9,560 acres in Nevada from further wilderness review. (The total acreage cited in the report on the proposed decision was in error.) The final decision for lands in Unit 2–81L is listed in the above table.

Effective Date

The decision for each inventory unit is considered individually and separately from the decision for every other inventory unit. These decisions will become effective on April 28, 1980, unless timely protests are received by Oregon State Director.

Protest and Appeal Procedures

Persons wishing to protest any of the decisions announced herein must file a written protest with the State Director, BLM, Oregon State Office, P.O. Box 2965, Portland, Oregon 97208, on or before 4:15 PM. April 28, 1980. Only those protests received by the time and date specified will be accepted.

The protest must specify the inventory unit(s) to which it is directed. It must include a clear and concise statement of the reasons for the protest, as well as data to support the reason stated.

At the conclusion of the protest period, I will publish in the **Federal Register** a notice of those decisions that were not protested and therefore have become final, and those decisions which are under formal protest and will announce that the decision on the units will not become final pending a decision on the protest and any resulting appeal.

I will issue a written decision on any protest which is filed according to the above requirements and will publish a notice in the **Federal Register** of the action taken in response to the protest.

Any person adversely affected by my decision on a written protest may appeal such decision under the provisions of 43 CFR Part 4.

Frank A. Edwards,

Acting State Director.

[FR Doc. 80–8574 Filed 3–26–80; 8:45 am]

BILLING CODE 4310–84–M

Proposed Decisions on the Intensive Wilderness Inventory of Public Lands in Oregon and Washington

I hereby announce my proposed decisions on the intensive wilderness inventory of public lands in Oregon and Washington. These decisions are issued under the authority of Section 603 of the Federal Land Policy and Management Act and in accordance with the guidelines in the September 27, 1978 BLM *Wilderness Inventory Handbook* and Organic Act Directive No. 78–61, change 3.

The BLM inventory process is divided into two major parts: Initial and intensive inventories. Final decisions on the initial inventory and the announcement of the beginning of the intensive inventory were published in the August 29, 1979, **Federal Register** notice, pages 50660 and 50661.

Proposed intensive inventory decisions for 30 inventory units containing about 1,208,200 acres in southeast Oregon were published in the October 4, 1979 **Federal Register**, pages 57229 and 57230. A 90-day public comment period extended through January 4, 1980. Final decisions on the 30 units are scheduled to be published in the **Federal Register** on the same date as this notice.

The proposed decisions included in this announcement pertain to all of the intensively inventoried land in Oregon not included in the inventory noted above and to all of the intensively inventoried land in Washington.

Publication of this notice in the **Federal Register** begins a 90-day public review and comment period on the 316

intensive inventory units containing approximately 5,956,000 acres administered by the BLM in Oregon and Washington. The public comment period will end on June 25, 1980.

The public is invited to comment on the intensive wilderness inventory report and maps available upon request from the BLM Oregon State Office and to submit additional information in order to assist the BLM in the assessment of wilderness characteristics on these public lands. Public comment forms will be included with the report and maps. The inventory report and maps may be obtained by writing the Public Affairs Room, BLM, Oregon State Office, P.O. Box 2965, Portland, Oregon 97208.

Public meetings will be held in 19 locations in Oregon and Washington during April.

Oregon

April 10—*Eugene,* 2:00 PM and 7:30 PM. Harris Hall, 125 East 8th Street.
April 15—*Baker,* 7:30 PM. Baker Community Center, 2610 Grove Street.
April 15—*Coos Bay,* 1:00 PM to 8:00 PM. Southwestern Oregon Community College, Tioga Hall.
April 16—*Enterprise,* 7:30 PM. Cloverleaf Hall.
April 16—*Brookings,* 1:00 PM to 8:00 PM. Brookings City Hall.
April 16—*Lakeview,* 7:30 PM. BLM District Office, 1000 South 9th.
April 16—*Ontario,* 7:30 PM, MST. Treasure Valley Community College, Weese Building, Room 10.
April 17—*Jordan Valley,* 7:30 PM, MST. Lion's Den.
April 17—*Burns,* 7:00 PM. BLM District Office, 74 South Alvord.
April 17—*Medford,* 6:30 PM to 8:30 PM. BLM District Office, 3040 Biddle Road.
April 19—*Prineville,* 2:00 PM. Crook County Courthouse, County Circuit Court Room.
April 22—*Grants Pass,* 6:30 PM to 8:30 PM. Josephine County Courthouse.
April 23—*Klamath Falls,* 7:30 PM. Klamath County Library, 126 South 3rd Street.
April 24—*McDermitt,* NV, 7:30 PM, PST. Community Hall.
April 26—*Grass Valley,* 2:00 PM. South Sherman Elementary School.
April 30—*Portland,* 2:00 PM and 7:30 PM. Portland Community College, Sylvania Campus, College Center (CC) Building, Cedar Room.

Washington

April 15—*Pasco,* 7:00 PM. Franklin County PUD Auditorium, 1411 West Clark.
April 17—*Everett,* 7:00 PM. Snohomish County Administration Building, County Hearing Room, 3000 Rockefeller.
April 21—*Okanogan,* 7:00 PM. Okanogan PUD, 1331 2nd Street North.

All public comments received during the 90-day comment period will be recorded, analyzed, evaluated and filed for future reference. All comments will be treated equally, whether they are mailed in or presented verbally or in writing at a public meeting. Comments received after the 90-day comment period may be considered as long as they can be reviewed with other public comments without delaying my final decision.

Proposed Intensive Wilderness Inventory Decisions

The following units, or portions of units, are proposed for identification as wilderness study areas:

Inventory Unit Number	Name	Acres
	Oregon	
	Lakeview District	
1-2	Devils Garden Lava Bed	29,640
1-3	Squaw Ridge Lava Bed	28,320
1-22	Four Craters Lava Bed	12,120
1-58	Diablo Mountain	113,120
1-117B	Monument Flat	18,520
1-139B	Spaulding Reservoir	65,720
1-146A	Hawksie Walksie	68,360
1-146B	Hawksie Walksie	8,520
	Subtotal—Lakeview District	344,320
	Burns District	
2-72C	Sheepshead Mountains	50,300
2-72I	Sheepshead Mountains	38,855
2-73A	Winter Range	21,395
2-73H	Winter Range	14,640
2-77B	Mahogany Ridge	23,780
2-78D	Red Mountain**	2,720
2-78F	Red Mountain	14,730
2-83A	Alvord Peak	14,655
2-85F	South Steens	67,320
2-86E	Blitzen River	52,060
2-86F	Blitzen River	9,380
2-98A	Strawberry Mountain	180
2-98C	Strawberry Mountain	720
2-98D	Strawberry Mountain	208
	Subtotal—Burns District	310,943
	Vale District	
3-27	Steamboat Rock	18,980
3-31	Camp Creek	15,520
3-32	Coleman Spring	7,040
3-33A	Gold Creek	13,500
3-35	Saddle Horse Spring	5,330
3-41A	Keeney Creek	12,780
3-44	Star Mountain	14,360
3-47	Cedar Mountain	43,380
3-53	Dry Creek	22,860
3-56	Dry Creek Buttes	43,700
3-57	Quartz Mountain	11,080
3-59A	Lower Owyhee River	12,800
3-73	Blue Canyon	12,360
3-74A	Bannock Ridge	3,200
3-75	Black Rock	6,800
3-77A	Honeycombs	36,500
3-77B	Honeycombs	12,000
3-110	Bull Creek	37,600
3-111	Saddle Butte	87,580
3-118A	Bowden Hills	50,800
3-120	Clarks Butte	31,000
3-121	Deadman Creek	8,440
3-128A	Jordan Craters	28,000
3-132	Parsnip Peak	10,800
3-143A	Owyhee River	44,760
3-152	Whitehorse Creek	27,350
3-153	Disaster Peak**	13,420
3-157	Oregon Canyon	49,400
3-162A	Twelvemile	27,160
3-173A	Jack's Creek	78,920
3-195	Louse Canyon**	128,840
	Subtotal—Vale District	916,260
	Prineville District	
5-6	Lower John Day	19,370
5-8	North Pole Ridge	6,062
5-9	Spring Basin	5,982
5-21	Badlands	32,053
5-31	North Fork	10,701
5-33	South Fork	19,631
5-34	Sand Hollow	8,791
5-35	Gerry Mountain	20,703
5-42A	Hampton Butte	10,480
5-43	Cougar Well	17,026
	Subtotal—Prineville District	150,799
	Baker District	
6-1	McGraw Creek	1,610
6-2	Homestead	10,700
6-3	Sheep Mountain	6,350
6-10	Cache Creek Ranch	2,935
	Subtotal—Baker District	21,595
	Medford District	
11-1	Mountain Lakes	320
11-17	Soda Mountain	5,640
	Subtotal—Medford District	5,960
	Coos Bay District	
12-8A	North Sisters Rocks	3
12-14A	Zwagg Island	10
	Subtotal—Coos Bay District	13
	Grand total—Oregon	1,749,890
	Washington	
	Spokane District	
13-24	Little Patos Island	15
	Grand total—Washington	15

The following units, or portions of units, are proposed for elimination from further wilderness review.

Inventory Unit Number	Name	Acres
	Oregon	
	Lakeview District	
1-4	Walker Cabin	34,080
1-6	Little Benjamin Lake	13,080
1-9	Bull Lake*	32,360
1-10	Benjamin Lake	16,200
1-11	Chicago Valley	7,080
1-12	Lost Forest*	6,240
1-21	South Green Mountain	14,720
1-24	Sand Dunes*	15,520
1-38	Cox Butte	41,200
1-52	Mack Cabin	24,000
1-53	Rawhide Creek	21,600
1-54	Monahan Lake	9,280
1-55	Pickett Spring	10,760
1-57	Robinson Lake	42,400
1-59	Whiskey Mountain	7,800
1-60	Coffee Lake	6,440
1-62	Whiskey Lake	48,560

Number	Name	Acres
	Inventory Unit	
	Lakeview District—Continued	
1-64	Twin Buttes	22,080
1-65	Saunders Rim	17,000
1-67	Nub	6,520
1-71	Gray's Butte	25,040
1-72	Juniper Mountain	11,760
1-73	Pack Saddle Draw	18,680
1-74	Juniper Creek	23,280
1-75	Egan Cabin	6,240
1-79	Balls Lake	6,000
1-80	Twin Lakes	17,920
1-82	North Euchre Butte	22,600
1-85	Eagle Butte	13,220
1-86	Natural Corral Draw	12,500
1-87	Horseshoe Rim	21,000
1-88	Sunstone Mine North	29,360
1-89	Bacon Camp	5,560
1-90	Sunrise Canyon	4,880
1-93	Spine Cob Butte	11,000
1-94	Poker Jim Flat	14,360
1-95	ZX Ranch	21,120
1-96	Coglan Buttes	32,000
1-98	Abert Burn South	18,200
1-101	Abert Rim	22,880
1-102	Binkie Lake	13,440
1-106	Flint Hills	23,840
1-108	Rabbit Hills	15,360
1-114	Warner Lakes	33,680
1-115	Guano Slough	106,480
1-117	Monument Flat	16,240
1-118	Wakefield Cabin	28,880
1-120	Coleman Rim	11,280
1-124	Fish Canyon South	8,160
1-125	Horsehead Lake	12,000
1-126	Coleman Valley**	23,640
1-127	Wool Lake	5,360
1-128	Long Lake	9,000
1-129	Jack Lake	10,000
1-130	Little Reservoir	24,280
1-131	Clover Swale	7,640
1-132	Guano Creek	10,560
1-133	Guano Lake West	13,480
1-134	Lone Grave Butte	25,440
1-135	Guano Lake	11,680
1-136	Beatys Butte	5,580
1-137	Mohagany Mountain	8,000
1-138	Buckaroo Pass	12,640
1-139	Spaulding Reservoir	4,640
1-140	Sagehen Spring	13,440
1-142	Wilson Spring	16,040
1-143	Ryegrass Valley	31,880
1-144	Bald Mountain	14,040
1-145	Sagenhen Flat	15,715
1-146	Hawksie Walksie	760
1-146A	Hawksie Walksie	3,800
1-148	Miller Creek	6,480
1-149	Bumpheads	18,560
1-155	Swan Lake Rim	8,760
1-157	Coleman Valley West**	10,000
1-158	Breezy	6,240
1-159	Catlow Valley	58,000
1-164	Snuff**	1,440
	Subtotal—Lakeview District	1,380,975
	Burns District	
2-18	Skull Creek	8,795
2-19	Silvies River	7,520
2-30	Palomino Buttes	13,075
2-43	Wagontire Mountain	48,875
2-44	Tired Horse	8,275
2-47	Surprise Lake	21,940
2-48	Hay Lake	18,350
2-49	Sheep Lake	28,965
2-50	Claw Creek	8,600
2-52	Miller Canyon	5,805
2-53	Gum Boot Canyon	8,475
2-54	Saddle Butte	9,120
2-55	Frenchglen	65,925
2-56	Black Rim	13,555
2-57	Jackass Creek	19,255
2-58	Keg Springs	22,200
2-59	Taylor Cabin	14,850
2-60	Weed Lake	19,520
2-61	Foster Flat	42,760
2-62	Nothing There	10,620
2-63	Chicken Feek Lake	12,800
2-64	Buzzard Creek	34,495
2-65	Deep Canyon	6,215
2-67	Iron Mountain	13,580
2-68	Smokey Hollow	8,225
2-69	Devils Canyon	14,015
2-70	Wilson Butte	9,745
2-71	Goose Egg	15,930
2-72	Sheepshead Mountains	98,460
2-73	Winter Range	35,715
2-75	Black Point	51,300
2-77	Mahogany Ridge	18,588
2-78	Red Mountain **	10,420
2-78F	Red Mountain	3,740
2-80	Sand Hills **	14,990
2-83	Alvord Peak	8,260
2-83A	Alvord Peak	16,665
2-84	Basque Hills	148,290
2-85	South Steens	76,805
2-85F	South Steens	3,690
2-86	Blitzen River	8,560
2-86E	Blitzen River	6,500
2-87	Bridge Creek	28,470
2-88	Moon Hill	9,900
2-91	Guano Slough	22,165
2-92	Dead Horse	36,970
2-93	South Bollenbaugh	20,545
2-94	Walls Lake	51,130
2-98	Strawberry Mountain	2,400
2-98A	Strawberry Mountain	20
2-98D	Strawberry Mountain	2
2-103	Aldrich Mountain I	6,450
2-110	Cottonwood Creek	5,145
2-111	Hay Creek	7,610
2-114	Syrup Canyon	7,570
2-115	Alkali Flat	14,285
	Subtotal—Burns District	1,226,130
	Vale District	
3-6	DeArmond Mountain	45,510
3-8	Westfall Highlands	15,600
3-12	Hog Creek	20,480
3-16	Lower Bully Creek	19,060
3-18	Castle Rock	7,160
3-19	North Fork Malheur River	3,160
3-20	Mustang Basin	13,120
3-22	Cottonwood Creek	11,560
3-24	Buckbrush Creek	7,800
3-30	Slaughter Gulch	15,400
3-33	Gold Creek	900
3-34	Squaw Creek	3,040
3-35	Saddle Horse Spring	10
3-41	Keeney Creek	1,540
3-41A	Keeney Creek	1,960
3-50	Freezeout Ridge	13,140
3-51	Broken Rim	10,800
3-52	Rock Canyon	8,460
3-53	Dry Creek	9,520
3-54	Burnt Mountain	9,600
3-56	Dry Creek Buttes	2,720
3-57	Quartz Mountain	4,340
3-59	Lower Owyhee River	100
3-59A	Lower Owyhee River	200
3-68	McIntyre Ridge	14,540
3-70	Spring Mountain	23,960
3-73	Blue Canyon	1,160
3-74	Bannock Ridge	460
3-74A	Bannock Ridge	8,740
3-77	Honeycombs	920
3-77A	Honeycombs	5,500
3-79	Mahogany Mountain	10,600
3-80	Mud Flat	8,760
3-82	Washboard Reservior	7,040
3-100	Duck Pond	19,780
3-105	Piute	9,400
3-107	Obenchain	6,700
3-108	Turnbull Peak	13,240
3-110	Bull Creek	12,910
3-112	Scott's Butte	46,130
3-113	Rye Grass	21,300
3-114	Palomino Hills	54,900
3-116	Flat Top Mountain	16,000
3-118	Bowden Hills	260
3-118A	Bowden Hills	4,100
3-119	Barren Valley	63,120
3-120	Clarks Butte	8,300
3-124	Bogus Rim	5,680
3-127	Little Crater	20,300
3-128	Jordan Craters	1,930
3-128A	Jordan Craters	500
3-130	Whitehorse Butte	25,420
3-132	Parsnip Peak	11,200
3-143	Owyhee River	2,200
3-143A	Owyhee River	6,290
3-144	Hardin	21,200
3-145	Winter Range	86,000
3-146	Indian Fort	27,500
3-148	Big Grassy Mountain	27,700
3-149	Hanson Canyon	15,960
3-152	Whitehorse Creek	14,970
3-157	Oregon Canyon	16,200
3-159	Tent Greek **	32,440
3-160	High Peak	14,040
3-162	Twelvemile	3,760
3-162A	Twelvemile	8,840
3-163	Blue Mountain	61,980
3-164	Alcorta Rim	15,560
3-171	Pole Creek	19,200
3-172	Deer Flat **	11,200
3-173	Jack's Creek	1,560
3-173A	Jack's Creek	1,160
3-178	Rattlesnake Creek	58,500
3-179	Rawhide	21,740
3-180	High Ridge	15,500
3-181	Antelope Creek	21,380
3-182	Red Rocks	22,400
3-183	Deadhorse	16,300
3-186	Field Creek	11,580
3-188	Star Valley	10,320
3-191	Cairin "C" **	7,960
3-194	Lookout Butte **	65,640
	Subtotal—Vale District	1,287,110
	Prineville District	
5-5	Horse Ridge **	4,855
5-6	Lower John Day	2,575
5-8	North Pole Ridge	6,120
5-9	Spring Basin	301
5-10	Mt. Misery	5,055
5-11	Fossil Beds	7,623
5-18	Rocky Canyon	8,466
5-19	Chimney Rock	5,120
5-20	Alkali Flat	7,035
5-21	Badlands	1,119
5-22	Dry River	6,221
5-23	West Butte	16,440
5-31	North Fork	379
5-33	South Fork	29
5-34	Sand Hollow	29
5-35	Gerry Mountain	1,137
5-36	Redman Rim	12,823
5-40	Sears Creek	11,980
5-42	Hampton Butte	1,740
5-42A	Hampton Butte	120
5-43	Cougar Well	289
5-46	Hampton	8,650
5-47	Stockpile	8,300
5-49	Hemstad	15,553
5-50	Whiskey Springs	6,792
5-51	Twin Pines	12,600
5-52	Dickerson Well	9,040
5-53	Two Post Lake	11,545
5-55	Lone Pine	17,175
5-56	Fredrick Butte	8,380
5-59	Grassy Lake	24,337
5-63	Stud Horse Butte	16,504
5-64	Glass Butte	10,911
5-65	Round Mountain	20,080
5-68	Steamboat Island	1
5-69	Eagle Butte Island	1
5-76	Kimberly Island	1
5-82	Nomanisa Island	1
5-83	Fantasy Island	2
	Subtotal—Prineville District	269,329
	Baker District	
6-1	McGraw Creek	290
6-2	Homestead	1,100
6-3	Sheep Mountain	1,850
6-11	Teepee Ridge	240
6-13	Island	5
6-14	Island	4
6-15	Island	6
6-38	Island	4
6-39	Island	2

Number	Name	Acres
	Inventory Unit	
	Baker District—Continued	
6-40	Hooker Gulch	6,100
	Subtotal—Baker District	9,601
	Medford District	
11-16	Zane Grey	18,460
	Coos Bay District	
12-10A	Pistol River-Myers Creek Rocks	5
12-12A	Lone Ranch Rocks	6
12-13A	Harris Island	3
12-14A	Table Rock	1
12-15	Fish Rock	1
	Subtotal—Coos Bay District	16
	Grand total—Oregon	4,191,621
	Washington	
	Spokane District	
13-1	Juniper Forest	7,806
13-2	Chopaka Mountain	5,560
13-3	Lummi Rocks	8
13-4	Blind Island	2
13-5	Chuckanut Rocks	1
13-6	Fauntleroy Rock	1
13-7	Dot Rock	1
13-9	Read's Bay Island	3
13-10	Twin Rocks	2
13-11	Barnes Rocks	1
13-12	Clark Rocks	1
13-14	Matia Rock	2
13-15	Davis Bay Island and Rocks	2
13-16	Richardson Rock	2
13-17	Skull Island	3
13-18	Harbor Rocks	1
13-19	Trinka Rock	1
13-20	Oak Island and Rock	1
13-21	Victim Island	3
13-22	Jap Island	1
13-23	Freeman Island and Reach Haven Rock.	2
13-27	King Islands	1
13-28	Kanaka Bay Islands	3
13-29	Park Bay Island	2
13-30	North Pass and McConnell Rocks	2
13-31	Broken Point Island	1
13-32	Posey Island	1
13-33	Mitchells Bay Rocks and Guss Island.	4
13-34	Pudding Island	1
13-35	John's Pass Rock and Rock Island	1
13-36	Prevost Harbor Rocks	2
13-37	Reid Harbor Rock	1
13-38	John's Island Rock	1
13-39	Reservation Bay Rocks	1
13-40	Little Deadman and Deadman Islands.	6
13-41	Narrow Rocks	2
13-44	Rockport Island	20
13-50	Clallam County Islands	20
13-59	Indian Island	2
13-60	Prindle Island	185
13-62	Lawrence Lake Island	1
13-63	Eagle Island	10
13-67	Columbia River Islands	270
	Grand Total Washington	13,941

* Includes a portion of Lost Forest Instant Study Area.

** Interstate unit. This list includes only Oregon acreage. See section below on interstate units for acreage in other states.

*** Includes the Western Juniper Instant Study Area.

Interstate Units

Eleven of the units included in these proposed decisions are contiguous to public lands in inventory units in adjacent states:

Oregon and Adjacent States

Unit No.	Administering district	Unit No.	Proposed intensive inventory decision: Include in wilderness study area	Proposed intensive inventory decision: Eliminate from wilderness review
1-126	Susanville, CA	CA-020-1010 [1]		13,060
1-157	Susanville, CA	CA-020-1005 [1]		13,005
1-164	Susanville, CA	CA-020-1004 [1]		14,690
2-78E	Winnemucca, NV	NV-020-859		540
2-80	Winnemucca, NV	NV-020-609		16,621
3-153	Winnemucca, NV	NV-020-859	9,700	
3-159	Winnemucca, NV	NV-020-811		10,660
	Boise, ID	ID-106-70E [2]		
3-172	Winnemucca, NV	NV-020-809		500
3-191A	Winnemucca, NV	NV-020-810		3,700
3-194	Boise, ID	ID-106-48A [2]		
3-195	Boise, ID	ID-106-48B [2]		

[1] All of CA-020-1005 and CA-020-1010 and the eastern portion of CA-020-1004 are lands located in Nevada but administered by the Susanville District, California.

[2] See paragraph below on lands in Boise District.

The district offices which administer lands in these interstate units coordinated their inventories of the units, and the respective state directors developed joint proposed decisions.

The California State Director announced his proposed decisions on the intensive inventory outside of the California Desert Conservation Area in a notice published in the **Federal Register** on July 16, 1979, pages 41354 and 41355. The lands in the interstate units in the Susanville District were included in those proposed decisions. A 90-day public comment period followed the announcement. The California State Director will republish the proposed decision on the interstate units on or about March 31, 1980, to allow public review and comment on the entire units. Final decisions on the interstate units will be made after the close of the 90-day public comment period following that announcement.

The Nevada State Director will announce proposed decisions on the interstate units on April 1, 1980.

After the Vale, Oregon, and Boise, Idaho, District Managers had submitted joint recommendations on the intensive inventory of the three units crossing the Idaho-Oregon state line, and after the Oregon and Idaho State Directors had agreed on joint proposed decisions for the units, an appeal was filed on the final decisions for the initial inventory of the Idaho portions of the units. The Idaho State Director is postponing announcement of the proposed decisions on the intensive inventory of the units until after decisions are rendered on the appeals.

Summary of wilderness inventory in Oregon:	*Acres*
1. Total area subject to wilderness review	13,992,255
2. Area included in intensive inventory	7,149,664
a. Eliminated from further wilderness review in final decisions issued in another FEDERAL REGISTER notice published this date	776,488
b. Included in wilderness study areas in final decisions issued in another FEDERAL REGISTER notice published this date	431,665
c. Proposed in this notice for elimination from further wilderness review	4,191,621
d. Proposed in this notice for identification as wilderness study areas	1,749,890
3. Area previously identified as wilderness study area	7,560
Summary of wilderness inventory in Washington:	
1. Total area subject to wilderness review	310,239
2. Area included in intensive inventory	13,956
a. Proposed in this notice for elimination from further wilderness review	13,941
b. Proposed in this notice for identification as wilderness study area	15

Inventory Unit 11-6 in the Medford District is under formal appeal to the Interior Board of Land Appeals (IBLA) as a result of the initial inventory decision. The unit will be subject to the Interim Management Policy and Guidelines (IMP) until the IBLA issues a final decision and as long as the unit remains under wilderness review.

Following the public comment period, I will consider the inventory recommendations and the public comments received. My final decision identifying wilderness study areas as well as areas dropped from further consideration as wilderness will be announced by October 1, 1980.

Frank A. Edwards,

Acting State Director.

[FR Doc. 80-8575 Filed 3-26-80; 8:45 am]

BILLING CODE 4310-84-M

[F-14932-A through F-14932-C]

Alaska Native Claims Selections

On April 23, September 27, and October 18, 1974, the Shaktoolik Native Corporation, for the Native village of Shaktoolik, filed selection applications F-14932-A through F-14932-C under the provisions of Sec. 12 of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611 (1976)) (ANCSA), for the surface estate of certain lands in the vicinity of Shaktoolik.

On December 15, 1975, Bering Straits Native Corporation filed selection application F-21915, as amended, pursuant to Sec. 14(h)(1) of ANCSA. Section 14(h) and Departmental regulations issued thereunder authorize the Secretary of the Interior to withdraw and convey only unreserved and unappropriated public lands. Since a portion of the lands encompassed in the subject Sec. 14(h)(1) application had been properly selected by Shaktoolik Native Corporation under Sec. 12 of ANCSA, these lands were not unreserved or unappropriated at the time of selection by Bering Straits Native Corporation. Therefore, selection application F-21915 must be and is hereby rejected as to the following described lands:

Kateel River Meridian, Alaska (Unsurveyed)

T. 11 S., R. 14 W.
Sec. 26, W½NW¼.
Containing approximately 80 acres.

Further action on the 14(h)(1) application F-21915 as to those lands not rejected herein, will be taken at a later date.

As to the lands described below, the applications, as amended, are properly filed and meet the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(a) of ANCSA, aggregating approximately 108,441 acres is considered proper for acquisision by Shaktoolik Native Corporation and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA:

Kateel River Meridian, Alaska (Unsurveyed)

T. 11 S., R. 11 W.
Sec. 1, excluding Mineral Survey 1245 and Mineral Survey Applications F-23170 and F-23169;
Sec. 2, all;
Secs. 3 and 4, excluding Native allotment F-19341;
Sec. 5 (fractional), excluding Native allotment F-17912 Parcel B and Ungalik River;
Sec. 7 (fractional), all;
Sec. 8 (fractional), excluding Native allotments F-14570 Parcel A and F-17912 Parcel B;
Sec. 9, excluding Native allotments F-14570 Parcel A and F-19341;
Sec. 10, excluding Native allotment F-19341 and Mineral Survey Application F-23169;
Sec. 11, excluding Mineral Survey Application F-23169;
Sec. 12, excluding Mineral Surveys 1245 and 1894 and Mineral Survey Applications F-23169 and F-23170;
Sec. 13, excluding Mineral Survey 1894 and Mineral Survey Application F-23169;
Secs. 14 and 15, excluding Mineral Survey Application F-23169;
Secs. 16, 17 and 18, all.
Containing approximately 8,551 acres.

T. 13 S., R. 11 W.
Sec. 3, all;
Secs. 4 and 5, excluding Native allotment F-11980 Parcel B;
Sec. 6, all;
Sec. 7, excluding Shaktoolik River;
Sec. 8, excluding Native allotment F-11980 Parcel B and Shaktoolik River;
Sec. 9, excluding Native allotment F-11980 Parcel B, F-19200 and Shaktoolik River;
Secs. 10 and 11, excluding Shaktoolik River;
Sec. 15 and 16, all.
Secs. 17 and 18, excluding Shaktoolik River.
Containing approximately 7,680 acres.

T. 11 S., R. 12 W.
Sec. 12 (fractional), all;
Secs. 13 and 14 (fractional), excluding First Creek;
Sec. 15 (fractional), all;
Sec. 16 (fractional), excluding Native allotment F-17734;
Secs. 21 and 22 (fractional), all;
Sec. 23 (fractional), excluding First Creek;
Sec. 24, excluding First Creek;
Sec. 25, all;
Sec. 26, (fractional), excluding First Creek;
Secs. 27, 31 and 32 (fractional), all;
Sec. 33 (fractional), excluding Third Creek;
Sec. 34 (fractional), excluding Second and Third Creeks;
Secs. 35 and 36, excluding Second Creek.
Containing approximately 7,092 acres.

T. 12 S., R. 12 W.
Secs. 19 to 22, inclusive, all;
Secs. 25 to 36, inclusive, all.
Containing approximately 10,231 acres.

T. 13 S., R. 12 W.
Sec. 1, excluding Native allotment F-12007;
Secs. 2 to 6, inclusive, all;
Sec. 7, excluding U.S. Survey 2046 and Shaktoolik River;
Sec. 8, excluding Native allotment F-030533 and Shaktoolik River;
Sec. 9, excluding Native allotments F-11980 Parcel A, F-16810, F-18050, F-18410 and Shaktoolik River;
Sec. 10, excluding Native allotments F-18050, F-18410 and Shaktoolik River;
Sec. 11, excluding Shaktoolik River;
Sec. 12, excluding Native allotment F-12007 and Shaktoolik River;
Sec. 13, all;
Sec. 14, excluding Shaktoolik River;
Sec. 15, excluding Native allotment F-18410;
Sec. 16, excluding Native allotments F-11980 Parcel A, F-16810, F-18410 and Shaktoolik River;
Sec. 17, excluding Shaktoolik River;
Sec. 18, excluding Native allotment F-14570 Parcel B, F-18490 and Shaktoolik River;
Secs. 19 to 30, inclusive, all;
Sec. 31 (fractional), excluding U.S. Survey 3779 Tract 1;
Secs. 32 to 36, inclusive, all;
Containing approximately 21,641 acres.

T. 14 S., R. 12 W.
Secs. 1 to 4, inclusive, all;
Secs. 5, 6, 8 and 9 (fractional), all;
Secs. 10 and 11, all;
Secs. 13, 14 and 15, all;
Secs. 16 and 22 (fractional), all;
Secs. 23, 24 and 25, all;
Secs. 26, 27, 35 and 36 (fractional), all.
Containing approximately 11,155 acres.

T. 11 S., R. 13 W.
Secs. 19 and 20 (fractional), all;
Secs. 26 to 29 (fractional), inclusive, all;
Secs. 30 to 34, inclusive, all;
Secs. 35 and 36 (fractional), all.
Containing approximately 5,810 acres.

T. 12 S., R. 13 W.
Secs. 3 to 6, inclusive, all;
Sec. 7, excluding Sineak River;
Secs. 8, 9 and 10, all;
Secs. 15, 16 and 17, all;
Secs. 18 and 19, excluding Sineak River;
Secs. 20 to 25, inclusive, all;
Secs. 26 and 27, excluding unnamed river;
Secs. 28 and 29 (fractional), all;
Sec. 30, all;
Secs. 31, 32 and 33 (fractional), all;
Sec. 34 (fractional), excluding unnamed river;
Secs. 35 and 36, excluding unnamed river.
Containing approximately 16,775 acres.

T. 13 S., R. 13 W.
Sec. 1, all;
Sec. 2 (fractional), excluding Shaktoolik River;
Sec. 3, all;
Sec. 4 (fractional), all;
Sec. 9 (fractional), excluding Native allotment F-12019;
Sec. 10 (fractional), all;
Sec. 11 (fractional), excluding Shaktoolik River;
Secs. 12 and 13, excluding Shaktoolik River;
Sec. 14 (fractional), excluding Shaktoolik and Tagoomenik Rivers;
Sec. 15 (fractional), excluding ANCSA Sec. 3(e) Application F-23127;
Sec. 23 (fractional), excluding Tagoomenik River;
Sec. 24, all;
Sec. 25 (fractional), excluding U.S. Survey 3779, U.S. Survey 4085 and Tagoomenik River;
Sec. 26 (fractional), all;
Sec. 36 (fractional), excluding U.S. Survey 3779 Tract 1 and Toagoomenik River.
Containing approximately 6,254 acres.

T. 11 S., R. 14 W.
Secs. 13 and 24 (fractional), all;
Secs. 25 and 26, all.
Containing approximately 2,095 acres.

T. 12 S., R. 14 W.
Sec. 1, 2 and 3, all;
Secs. 4 and 9 (fractional), all;
Secs. 10 and 11, all;
Secs. 12 and 13, excluding Sineak River;
Secs. 14 and 15, all;
Secs. 16, 20 and 21 (fractional), all;
Sec. 22, all;
Secs. 23 and 24, excluding Sineak River;
Secs. 25 and 26 (fractional), excluding Sineak River;
Secs. 27 to 33 (fractional), inclusive, all;
Sec. 36 (fractional), all.

Containing approximately 10,910 acres.
T. 13 S., R. 14 W.
Secs. 6 and 7 (fractional), all.
Containing approximately 207 acres.
T. 13 S., R. 15 W.
Secs. 1 and 12 (fractional), all.
Containing approximately 40 acres.
Aggregating approximately 108,441 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein, and all rights, privileges, immunities and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f)); and

2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b)), the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file F–14932–EE, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs., Gross Vehicle Weight (GVW)).

One Acre Site—The uses allowed for a site easement are: vehicle parking (e.g., aircraft, boats, ATV's, snowmobiles, cars, trucks), temporary camping, and loading or unloading. Temporary camping, loading, or unloading shall be limited to 24 hours.

a. (EIN 3 D1, D3) An easement for an existing access trail, twenty-five (25) feet in width, from Sec. 1, T. 16 S., R. 12 W., Kateel River Meridian, northwesterly to the junction with trail EIN 5 C5, near the old village of Shaktoolik in Sec. 25, T. 13 S., R. 13 W., Kateel River Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter.

b. (EIN 3a D1, D3) An easement for an existing access trail, twenty-five (25) feet in width, from site EIN 17 C5, in Sec. 25, T. 13 S., R. 13 W., Kateel River Meridian, southerly to the junction with trail EIN 3 D1, D3, in Sec. 25, T. 13 S., R. 13 W., Kateel River Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

c. (EIN 5 C5) An easement for an existing access trail, twenty-five (25) feet in width, from Shaktoolik in Sec. 25, T. 13 S., R. 13 W., Kateel River Meridian, northerly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

d. (EIN 6 C1, C3, D1, D9) An easement for an existing access trail, twenty-five (25) feet in width, from Shaktoolik Roadhouse in Sec. 7, T. 13 S., R. 12 W., Kateel River Meridian, northeasterly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter.

e. (EIN 16 C5) A one (1) acre site easement, upland of the ordinary high water mark in Sec. 7, T. 13 S., R. 11 W., Kateel River Meridian, on the right bank of the Shaktoolik River. The uses allowed are those listed above for a one (1) acre site easement.

f. (EIN 17 C5) A one (1) acre site easement, upland of the mean high tide line in Sec. 25, T. 13 S., R. 13 W., Kateel River Meridian, on the left bank of the Tagoomenik River. The uses allowed are those listed above for a one (1) acre site easement.

g. (EIN 22 C5) An easement for an existing access trail, twenty-five (25) feet in width, from the mean high tide line and trail EIN 3 D1, D3 in Sec. 12, T. 15 S., R. 12 W., Kateel River Meridian, northeasterly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

h. (EIN 24 C5) An easement for a proposed access trail, twenty-five (25) feet in width, from public lands in Sec. 27, T. 11 S., R. 14 W., Kateel River Meridian, northeasterly to public lands in Sec. 23, T. 11 S., R. 14 W., Kateel River Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

i. (EIN 25 C5) An easement for a proposed access trail, twenty-five (25) feet in width, from public lands in Sec. 36, T. 11 S., R. 14 W., Kateel River Meridian, easterly to public lands in Sec. 2, T. 12 S., R. 13 W., Kateel River Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

j. (EIN 26 C5) An easement for an existing access trail, twenty-five (25) feet in width, from site EIN 16 C5 in Sec. 7, T. 13 S., R. 11 W., Kateel River Meridian, northerly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

k. (EIN 27 C5) An easement for an existing access trail, twenty-five (25) feet in width, from site EIN 16 C5 in Sec. 7, T. 13 S., R. 11 W., Kateel River Meridian, southerly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. CH. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law; and,

3. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Shaktoolik Native Corporation is entitled to conveyance of 115,200 acres of land selected pursuant to Sec. 12(a) of the Alaska Native Claims Settlement Act. To date, 108,441 acres of this entitlement have been approved for conveyance. The remaining 6,759 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of the Alaska Native Claims Settlement Act, conveyance to the subsurface estate of the lands described above shall be granted to the Bering Straits Native Corporation when conveyance is granted to Shaktoolik Native Corporation for the surface estate, and shall be subject to the same conditions as the surface conveyance.

Only the following inland water body is considered to be navigable within the described lands:

Shaktoolik River and Interconnecting Sloughs

The following water bodies are determined to be tidally influenced as follows:

Tagoomenik River through Sec. 36, T. 13 S., R. 13 W., Kateel River Meridian.

Sineak River through Sec. 12, T. 12 S., R. 14 W., Kateel River Meridian.
First Creek through Sec. 24, T. 11 S., R. 12 W., Kateel River Meridian.
Second Creek through Sec. 36, T. 11 S., R. 12 W., Kateel River Meridian.
Third Creek through Sec. 3, T. 12 S., R. 12 W., Kateel River Meridian.
Ungalik River through Sec. 5, T. 11 S., R. 11 W., Kateel River Meridian.
Unnamed river through Sec. 36, T. 12 S., R. 13 W., Kateel River Meridian.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the *Nome Nuggett*. Any party claiming a property interest in land affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501, also:

1. Any party receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate and any parties who failed or refused to sign the return receipt shall have until April 28, 1980, to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the adverse parties to be served are:

Shaktoolik Native Corporation, Shaktoolik, Alaska 99771.
Bering Straits Native Corporation, Box 1008, Nome, Alaska 99762.

Barbara A. Yoppke,

Acting Chief, Branch of Adjudication.

[FR Doc. 80-9276 Filed 3-26-80; 8:45 am]

BILLING CODE 4310-84-M

[Colorado 29346]

Invitation for Coal Exploration License; Rocky Mountain Energy Co.

March 21, 1980

Members of the public are hereby invited to participate with Rocky Mountain Energy Company, a Utah Corporation, in a program for the exploration of coal deposits owned by the United States of America in the following described lands located in Elbert County, Colorado:

Township	Range	Section	Description
7 S	58 W	32	E½, NW¼.
8 S	58 W	4	All
8 S	58 W	6	NW¼, S½.
8 S	58 W	8	All
8 S	58 W	18	SE¼NW¼, N¼SW¼, S½SW¼, SE¼.
8 S	58 W	20	All.
8 S	58 W	30	All.
8 S	58 W	32	All.
8 S	59 W	12	E½NE¼, W½NW¼, S½.
8 S	59 W	24	All.
9 S	58 W	6	All.
9 S	58 W	8	E½, NW¼, NE¼SW¼, S½SW¼.
9 S	58 W	18	All.
9 S	58 W	20	All.
9 S	59 W	12	All.

Containing 8,760.00 acres.

containing 8,760.00 acres.

Any party electing to participate in this exploration program must send written notice of such election to the Bureau of Land Management and to Rocky Mountain Energy Company, to the attention of the following persons at the addresses shown:

Leader, Canon City and Grand Junction Team, Branch of Adjudication, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202; and
Kevin C. Jackson, Rocky Mountain Energy Company, 4704 Harlan Street, Denver, Colorado 80212.

Such written notice must be received by both of the above indicated persons at the addresses shown not later than April 27, 1980.

The proposed exploration program is more fully described in and will be conducted pursuant to an exploration plan, as such is approved by the U.S. Geological Survey and the Bureau of Land Management, agencies of the Department of the Interior. A copy of the exploration plan, as submitted by Rocky Mountain Energy Company is available for public review during normal business hours in the following office (under Serial No. C–29346):

Bureau of Land Management, Colorado State Office, Room 701, Colorado State Bank Building, 1600 Broadway, Denver, Colorado.

The foregoing notice is published in the **Federal Register** pursuant to 43 Code of Federal Regulation, Section 3410.2–1(d)(1), 43 FR 43584 at 42614 (No. 140, July 19, 1979).

Rodney A. Roberts,

Leader, Canon City and Grand Junction Team, Branch of Adjudication.

[FR Doc. 80-9348 Filed 3-26-80; 8:45 am]

BILLING CODE 4310-84-M

Initiation of Planning Activity in Headwaters Resource Area; Butte District, Mont.

In accordance with 43 CFR 1601.3(g), notice is hereby given of resource planning activity now underway.

(1) Description of the proposed planning action: The proposed planning action is preparation of the Headwaters Resource Area Resource Management Plan (RMP). This RMP will carry out the requirements of the Federal Land Policy and Management Act of 1976 (FLPMA). The RMP and accompanying Environmental Impact Statement (EIS) will provide the basis for resource allocations and will define and guide subsequent management decisions within the Headwaters Resource Area. The RMP is scheduled for completion by September 1983.

(2) Identification of the geographic area to be planned: The subject area is generally located along the east slope of the Rocky Mountains and covers all or portions of Pondera, Teton, Cascade, Lewis and Clark, Meagher, Jefferson, Broadwater, Gallatin, and Park Counties in Montana. The majority of BLM-administered resources in the planning area are in the upper Missouri River basin, with smaller portions in the upper Yellowstone River basin.

(3) The general types of issues anticipated: The completed plan will make allocations of the various resources present, including (but not limited to) vegetation allocations to domestic livestock, watershed and wildlife based on the Bureau's Soil-Vegetation Inventory Method (SVIM). It will also address other issues such as lands and realty actions necessary, oil and gas exploration, off-road vehicle use, forestry, possible areas of critical environmental concern, and the future of those areas designated as Wilderness Study Areas through the Bureau's wilderness review program.

(4) The disciplines to be represented on the interdisciplinary Team: Wildlife biology, hydrology, soils science, range management, archeology, outdoor recreation planning, lands, minerals management, forestry, economics, and sociology.

(5) The kind and extent of public participation activities to be provided: Public participation for the RMP process will be carried out in several ways. During the inventory phase, public participation will take place on an individual basis between interested parties and the BLM. As the planning process proceeds, the public will be asked to become more formally involved through workshops, open houses, and public meetings. If appropriate, mass mailings will be used to solicit comments on controversial issues. The district multiple use advisory council and the district grazing advisory board will offer their expertise in the plan preparation. Arrangements will be made to involve local planning agencies in the planning process, and state and other federal land management agencies will be contacted to assure maximum coordination of their plans and objectives with the RMP at both regularly scheduled and special meetings.

(6) The times, dates and locations scheduled or anticipated for any needed public meetings, hearings, conferences or other gatherings as known in March 1980: Two meetings were held with key individuals from the public sector to help define issues in the planning area in May and June 1979, in Helena. Various meetings will be held in the spring and summer of 1980 with local planning boards, federal and state land management agencies, the district grazing advisory board, and, upon its approval and chartering, the Butte District Multiple Use Advisory Council. A series of public meetings and/or open houses will be held to discuss management alternatives which will be presented for public review and comment in August 1982.

(7) The name, title, address, and telephone number of the Bureau of Land Management official who may be contacted for further information: Jack A. McIntosh, District Manager, P.O. Box 3388, Butte, Montana 59701 (406) 723–6561.

(8) The location and availability of documents relevant to the planning process: Documents will be generally available for public review and will be located at the Butte District Office, 106 North Parkmont (Industrial Park), Butte, Montana.

Dated: March 18, 1980.

Jack A. McIntosh,

District Manager.

[FR Doc. 80-9350 Filed 3-26-80; 8:45 am]

BILLING CODE 4310-84-M

Socorro District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Public Law 94–579, that a meeting of the Socorro District Grazing Advisory Board will be held on Friday, April 25, 1980.

The meeting will begin at 9:00 a.m. in the Hospitality Room of the First State Bank at 103 Manzanares Avenue NE, Socorro, New Mexico.

The agenda for the meeting will include:

(1) Discussion of the East Socorro Rangeland Program Document.

(2) Public comment period.

(3) Arrangements for the next meeting.

The meeting is open to the public. Interested persons may make oral statements to the board between 1:00 and 2:00 p.m. or file written statements for the board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 198 Neel Avenue NW, P.O. Box 1217, Socorro, New Mexico 87801, by April 23, 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 will be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

Arlen P. Kennedy,

District Manager.

[FR Doc. 80-9351 Filed 3-26-80; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

National Capital Memorial Advisory Committee; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the National Capital Memorial Advisory Committee will be held at 1:30 p.m. on Tuesday, April 8, 1980, in Room 234 at the National Capital Region Headquarters, 1100 Ohio Drive, SW., Washington, D.C.

The Committee was established for the purpose of preparing and recommending to the Secretary broad criteria, guidelines and policies for memorializing persons and events on Federal lands in the National Capital Region (as defined in the National Capital Planning Act of 1952, as amended) through the media of monuments, memorials and statues. It is to examine each memorial proposal for adequacy and appropriateness, make recommendations to the Secretary with respect to site location on Federal land in the National Capital Region and to serve as an information focal point for those seeking to erect memorials on Federal land in the National Capital Region.

The members of the Committee are as follows:

Mr. William J. Whalen (Chairman), Director, National Park Service, Washington, D.C.
Mr. George M. White, Architect of the Capitol, Washington, D.C.
General Mark W. Clark, Chairman, American Battle Monuments Commission, Washington, D.C.
Mr. J. Carter Brown, Chairman, Commission of Fine Arts, Washington, D.C.
Honorable Marion S. Barry, Mayor of the District of Columbia, Washington, D.C.
Mr. A. R. Marschall, Commissioner, Public Buildings Service, Washington, D.C.

The purpose of the meeting is to review alternative site locations for the proposed Vietnam Veterans Memorial and H.R. 4788 (Sec. 423(a)) which would authorize the Corps of Engineers Historic Foundation to design and erect a memorial to be located on public grounds in the District of Columbia or its environs. Also, site locations for the Meade Memorial and the Navy Memorial and the design for the 56 Signers Memorial will be reviewed. The meeting will conclude with a field trip to review examples of methods to clean outdoor bronze memorials.

The meeting will be open to the public. Any person may file with the Committee a written statement concerning the matters to be discussed. Persons who wish to file a written statement or who want further information concerning the meeting may contact Mr. John G. Parsons, Associate Regional Director, Land Use Coordination, National Capital Region, at area code 202–426–7750. Minutes of the meeting will be available for public inspection 2 weeks after the meeting at the Office of National Capital Region, Room 208, 1100 Ohio Drive, SW., Washington, D.C.

Dated: March 20, 1980.

Manus J. Fish, Jr.,

Regional Director, National Capital Region.

[FR Doc. 80-9297 Filed 3-26-80; 8:45 am]

BILLING CODE 4310-70-M

Office of Surface Mining and Reclamation

[Federal Lease No. W-0313668, W-0311810, W-0312311]

Surface Coal Mine Proposed by Kerr-McGee Coal Corp. for the East Gillette Mine, Campbell County, Wyo.; Public Meeting

AGENCY: Office of Surface Mining Reclamation and Enforcement, Department of the Interior.

ACTION: Notice of public meeting on a coal mining and reclamation plan.

SUMMARY: The Office of Surface Mining (OSM) has scheduled a public meeting in Gillette, Wyoming. The purpose of the meeting will be to inform the public of the proposed mining and reclamation plan changes that have occurred since the Draft Environmental Impact Statement was released on April 1, 1977 (DES–77–13) and to solicit comments from the public on areas of concern prior to completing the Final Environmental Impact Statement.

Time and Location of Public Meeting

Location: Campbell County Recreation Center, Gillette, Wyoming

Time: 7:00–9:00 p.m.

Date: Thursday, April 17, 1980

A Draft Environmental Impact Statement (DES) for the East Gillette Mine was issued by the U.S. Geological Survey on April 1, 1977 (DES 77–13). Since then, the Kerr-McGee Coal Corporation has revised their proposed mining and reclamation plan. Major changes include:

- Life of the mine was reduced from 35 to 25 years.
- Total production was reduced from 338.9 million tons to 258.4 million tons.
- Although lease W–311810 includes all of sec. 5 and 6, only W½ of sec. 6 would not be mined instead of the west half of sec. 5 and all of sec. 6. Consequently, Garner Lake Road would not have to be relocated.
- The W½SW¼ sec. 27, the NW¼NW¼ sec. 33, and the NW¼NW¼ sec. 34 would not be mined. Therefore, Donkey Creek would not be affected by the proposed operation.
- Total area to be disturbed has been reduced from 2,919 acres to 2,624 acres.
- No permanent waste piles would be left.
- Mining would affect no more than 1 or 2 producing oil wells rather than 7.
- The final contours after reclamation have been adjusted to more closely blend into adjacent areas.
- Coal would be stored in a 75,000-ton capacity V-notch barn or in silos.
- The number of ponds used to control sediment discharge from disturbed areas would be increased from 2 to 17 (including existing ponds).
- Maximum employment increased from 242 to 342.

The new proposed mining and reclamation plan has a number of other changes and more supporting data.

FOR FURTHER INFORMATION CONTACT: Floyd L. Johnson or John E. Hardaway, Office of Surface Mining, Region V, Brooks Towers, 1020 15th Street, Denver, Colorado, 80202 (303) 837–5656.

Donald A. Crane,

Regional Director.

[FR Doc. 80-9277 Filed 3-26-80; 8:45 am]

BILLING CODE 4310-05-M

INTERSTATE COMMERCE COMMISSION

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules or Practice* (49 CFR 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register.** Protests (such as were allowed to filings prior to March 1, 1979) *will be rejected.* A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. The Commission will also consider (a) the nature and extent of the property, financial, or other interest of the petitioner, (b) the effect of the decision which may be rendered upon petitioner's interest, (c) the availability of other means by which the petitioner's interest might be protected, (d) the extent to which petitioner's interest will be represented by other parties, (e) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and (f) the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rule may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission indicating the specific rule under which the petition to intervene is being filed, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant

is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) [formerly section 210 of the Interstate Commerce Act.]

In the absence of legally sufficient petitions for intervention, filed on or before April 28, 1980 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices within 30 days after publication, or the application shall stand denied.

Note.—All applications are for authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, except as otherwise noted.

Volume No. 32

Decided: Feb. 13, 1980.

By the Commission, Review Board Number 2, Members Eaton, Liberman, and Jensen. Member Jensen not participating.

MC 1924 (Sub-15F), filed November 2, 1979. Applicant: WALLACE-COLVILLE MOTOR FREIGHT, INC., North 400 Sycamore, Spokane, WA 99220. Representative: Henry C. Winters, 525 Evergreen Bldg., Renton, WA 98055. Transporting *general commodities* over irregular routes, (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 Hoerner Waldorf Division of Champion International Corp., at or near Schilling, MT, as an off-route point in connection with applicant's otherwise authorized regular route operations. (Hearing site: Missoula, MT.)

MC 13134 (Sub-76F), filed November 2, 1979. Applicant: GRANT TRUCKING, INC., Box 256, Oak Hill, OH 45656. Representative: James M. Burtch, 100 E. Broad St., Suite 1800, Columbus, OH 43215. Transporting *clay*, from Aberdeen, MS, to points in AL, IL, IN, IA, KY, MD, MI, MO, NJ, NY, NC, OH, PA, SC, TN, VA, WV and WI. (Hearing site: Chicago, IL.)

MC 13134 (Sub-78F), filed November 5, 1979. Applicant: GRANT TRUCKING, INC., P.O. Box 256, Oak Hill, OH 45656. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. Transporting *foundry sand additives*, from the facilities of The Hill & Griffith Co., at Cicero, IL, to those points in IN and OH on and north of U.S. Highway 70. (Hearing site: Columbus, OH.)

MC 13134 (Sub-79F), filed November 6, 1979. Applicant: GRANT TRUCKING, INC., Box 256, Oak Hill, OH 45656. Representative: James M. Burtch, 100 E. Broad St., Suite 1800, Columbus, OH 43215. Transporting *kyanite ore, bauxite ore, sand* and *magnesite*, from the facilities of C–E Minerals Division of Combustion Engineering, Inc., in (a) Wilkes and Sumter Counties, GA, and (b) Greene County, TN, to points in IL, IN, KY, MI, MO, NY, OH, PA, WV, and WI. (Hearing site: Columbus, OH, or Philadelphia, PA.)

MC 22484 (Sub-6F), filed November 5, 1979. Applicant: BROWN FROM WABASH, INC., 403 S. Cass Street, Wabash, IN 46992. Representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, IN 46204. Transporting *mineral wool* and *mineral wool products*, from Wabash, IN, to points in IA. (Hearing site: Chicago, IL, or Washington, DC.)

MC 30844 (Sub-658F), filed November 2, 1979. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 5000, Waterloo, IA 50704. Representative: John P. Rhodes (same address as applicant). Transporting *materials*, and *accessories* used in the manufacture and distribution of automotive oil and air filters, from Holbrook, MA, to the facilities used by Champion Laboratories, Inc., at West Salem and Albion, IL, restricted to the transportation of traffic destined to the named destinations. (Hearing site: Chicago, IL.)

MC 44735 (Sub-46F), filed November 6, 1979. 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 66603. Transporting *iron and steel articles*, from Dallas and Houston, TX, and Memphis, TN, to points in AR, CO, IL, IA, KS, MO, NE, and OK. (Hearing site: Kansas City, MO, or Tulsa, OK.)

MC 59444 (Sub-9F), filed November 2, 1979. Applicant: WALLER TRUCK CO., INC., Route 2, Box 5900, Richmond, MO 64085. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105. Transporting *plastic cups, caps, lids, tumblers, dishes*, and *cutlery*, from the facilities of Thompson Industries, at Higginsville, MO, to points in AR, IA, NE, KS, OK, IL, KY, TN, and TX. (Hearing site: Kansas City, MO.)

MC 69224 (Sub-49F), filed November 2, 1979. Applicant: H & W MOTOR EXPRESS COMPANY, A Corporation, 3000 Elm St., Dubuque, IA 52001. Representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, MN 55102. Transporting *iron castings*, from Marshalltown, IA, to Milwaukee and Racine, WI. NOTE: Applicant intends to join the authority sought here with its existing regular route authority at Marshalltown, IA, so as to provide a direct service between points on applicant's existing system in MN, WI, IL, and IA, and the destination points sought to be served by this application. (Hearing site: Des Moines, IA.)

MC 73165 (Sub-497F), filed November 2, 1979. Applicant: EAGLE MOTOR LINES, INC., 830—33rd St., North, Birmingham, AL 35202. Representative: R. Cameron Rollins, P.O. Box 11086, Birmingham, AL 35202. Transporting (1) *iron and steel articles*, (2) *nuts, bolts*, and *scrap metals*, and (3) *materials, supplies* and *equipment* used in the manufacture and installation of the commodities in (1) and (2) above (except commodities in bulk), between points in the United States (except AK, and HI). (Hearing site: Birmingham, AL, or New Orleans, LA.)

MC 73165 (Sub-498F), filed November 2, 1979. Applicant: EAGLE MOTOR LINES, INC., 830—33rd St., North, Birmingham, AL 35202. Representative: R. Cameron Rollins, P.O. Box 11086, Birmingham, AL 35202. Transporting (1) *iron and steel articles*, (2) *scrap metal*, and (3) *materials, equipment and supplies* used in the manufacture of the commodities in (1) above, between Pittsburgh and Midland, PA, on the one hand, and, on the other, points in IL, IN, IA, WI, CA, WA, CO, UT, AZ, WY, and

OR. (Hearing site: Columbus, OH, or Pittsburgh, PA.)

MC 95084 (Sub-152F), filed November 6, 1979. Applicant: HOVE TRUCK LINE, A Corporation, Stanhope, IA 50246. Representative: Kenneth F. Dudley, 1501 East Main St., P.O. Box 279, Ottumwa, IA 52501. Transporting (1) *agricultural implements, farm equipment, industrial equipment,* and (2) *parts* and *attachments* for the commodities in (1) above, and (3) *materials, equipment* and *supplies* used in the manufacture or distribution of the commodities in (1) and (2) above, between Hecla, SD, on the one hand, and, on the other, points in the United States, (except AK and HI). (Hearing site: Minneapolis, MN, or Pierre, SD).

MC 106644 (Sub-287F), filed November 6, 1979. Applicant: SUPERIOR TRUCKING COMPANY, INC., P.O. Box 916, Atlanta, GA 30301. Representative: Louis C. Parker, III (same address as applicant). Transporting (1) *commodities,* the transportation of which, because of size or weight, requires the use of special equipment; and (2) *self-propelled articles* (except automobiles), between points in OH, IL, IN, KY, MO, KS, IA, MI, and NE, on the one hand, and, on the other, points in NY, MA, RI, NJ, CT, PA, DE, MD, VA, WV, and DC, restricted in (2) above to the transportation of commodities on trailers. (Hearing site: Washington, DC, or Chicago, IL.)

MC 106674 (Sub-441F), filed November 2, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). Transporting *fiberboard* and *wallboard,* from Lockport, NY, to those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 109584 (Sub-204F), filed November 5, 1979. Applicant: ARIZONA–PACIFIC TANK LINES, A Corporation, 3980 Quebec St., P.O. Box 7240, Denver, CO 80207. Representative: Rick Barker (same address as applicant). Transporting *animal fats and tallow,* in bulk, in tank vehicles, from San Angelo, TX, to points in AZ, and CA. (Hearing site: Los Angeles, CA, or San Angelo, TX.)

MC 112304 (Sub-221F), filed November 5, 1979. Applicant: ACE DORAN HAULING & RIGGING CO., A Corporation, 1601 Blue Rock St., Cincinnati, OH 45223. Representative: John D. Herbert (same address as applicant). Transporting *machinery* and *supplies,* and *parts, and attachments* for machinery from St. Louis, MO, to those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: St. Louis, MO, or Washington, DC.)

MC 112304 (Sub-222F), filed November 6, 1979. Applicant: ACE DORAN HAULING & RIGGING CO., A Corporation, 1601 Blue Rock St., Cincinnati, OH 45223. Representative: John D. Herbert (same address as applicant). Transporting *wrought steel pipe* and *steel tubing,* between those points in the United States in and east of MT, WY, CO, and NM. (Hearing site: St. Louis, MO, or Washington, DC.)

MC 113434 (Sub-148F), filed November 2, 1979. Applicant: GRA-BELL TRUCK LINE, INC., A–5253 144th Ave., Holland, MI 49423. Representative: Wilhelmina Boersma, 1600 First Federal Bldg., Detroit, MI 48226. Transporting *aluminum or zinc ingots,* and *materials, equipment* and *supplies* used in the manufacture and distribution of aluminum or zinc alloy ingots, from Maple Heights, OH, to points in IL, IN, MI, and WI, (2) *plastic bottles* and *accessories for plastic bottles,* from points in OH, to Allegan, MI, restricted in both (1) and (2) to the transportation of traffic originating at the named origins and destined to the named destinations. (Hearing site: Detroit MI, or Chicago, IL.)

MC 113434 (Sub-150F), filed November 5, 1979. Applicant: GRA–BELL TRUCK LINE, INC., A–5253—144th Ave., Holland, MI 49423. Representative: Miss Wilhelmina Boersma, 1600 First Federal Bldg., Detroit, MI 48226. Transporting (1) *glass containers,* and (2) *materials, equipment and supplies* used in the manufacture or distribution of glass containers (except commodities in bulk), between points in IA, IL, IN, KY, MO, NY, NJ, OH, PA, WI, WV, restricted to the transportation of traffic originating at and destined to the above named points. (Hearing site: Chicago, IL, or Washington, DC.)

MC 116544 (Sub-187F), filed November 2, 1979. Applicant: ALTRUK FREIGHT SYSTEMS INC., 1703 Embarcadero Rd., Palo Alto, CA 94303. Representative: Richard G. Lougee, P.O. Box 10061, Palo Alto, CA 94303. Transporting *cheese,* from St. Olaf, IA, to San Antonio, and Houston TX. (Hearing site: Chicago, IL, or Washington DC.)

MC 119654 (Sub-81F), filed November 4, 1979. Applicant: HI–WAY DISPATCH, INC., 1401 West 26th St., P.O. Box 509, Marion, IN 46252. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting (1) *paper and paper products,* and (2) *materials, equipment and supplies* (except commodities in bulk), between points in IL, KY, MI, MO, OH, and WI, and those points in PA on and west of a line beginning at the NY–PA State line, and extending along U.S. Hwy. 219 to junction U.S. Hwy. 119, and then along U.S. Hwy. 119 to the PA–MD State line, restricted to traffic originating at or destined to the facilities of Sonoco Products Co. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 119765 (Sub-95F), filed November 5, 1979. Applicant: EIGHT WAY XPRESS, INC., 5402 South 27th St., Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Rd., Omaha, NE 68106. Transporting *fire retardent chemicals,* in bags, from the facilities of H.J.H. Insulation Chemical, Inc., at Phoenix, AZ, to points in the United States (except AK and HI). (Hearing site: Phoenix, AZ, or Omaha, NE.)

MC 119894 (Sub-16F), filed November 5, 1979. Applicant: BOWARD TRUCK LINE, INC., 104 Roesler Rd., Glen Burnie, MD 21061. Representative: M. Bruce Morgan (same address as applicant). Transporting *paper* and *paper products,* between Newport, TN, on the one hand, and, on the other, points in NC and SC, and those points in VA on, south, and west of a line beginning at the VA–WV State line, and extending along Interstate Hwy 64 to junction U.S. Hwy 29 and then along U.S. Hwy 29 to the VA–NC State line. (Hearing site: Charlotte, NC.)

MC 120364 (Sub-25F), filed November 6, 1979. Applicant: A & B FREIGHT LINE, INC., 2800 Falund Street, Rockford, IL 61109. Representative: Robert M. Kaske (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring the use of special equipment), between points in Columbia, Crawford, Grant, Iowa, LaFayette, Richland, and Sauk Counties, WI, on the one hand, and, on the other, Chicago, IL, and those points in IL, bounded by a line beginning at the IL–WI State line, and extending along IL Hwy 78, to junction IL Hwy 88, then along IL Hwy 88 to junction IL Hwy 92, then along IL Hwy 92 to junction U.S. Hwy 34, then along U.S. Hwy 34 to junction with IL Hwy 59, then along IL Hwy 59 to the IL–WI State line. (Hearing site: Chicago, IL, or Washington, DC.)

MC 121664 (Sub-107F), filed November 6, 1979. Applicant: HORNADY TRUCK LINE, INC., P.O. Box 846, Monroeville, AL 36460. Representative: W. E. Grant, 1702 First Avenue South, Birmingham, AL 35233 Transporting (1) *building materials* and (2) *materials, equipment* and *supplies* used in the manufacture,

installation, and distribution of building materials, between the facilities of Georgia-Pacific Corporation, Gypsum Division, at or near Hampton, GA, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Birmingham, AL, or Philadelphia, PA.)

MC 123685 (Sub-31F), filed November 1, 1979. Applicant: PEOPLES CARTAGE, INC., 8045 Navarre Rd. SW., Massillon, OH 44646. Representative: Boyd B. Ferris, 50 West Broad St., Columbus, OH 43215. Transporting (a) *steel pipe, pipe fittings, beams, railing, railway track accessories, pile drivers, and pile extractors,* and (b) *materials, equipment,* and *supplies* used in the manufacture, installation, dismantling, or distribution of the commodities in (1)(a) above (except commodities in bulk), between the facilities of L.B. Foster Company, at Parkersburg and Washington, WV, on the one hand, and, on the other, points in KY, OH, PA, and VA; and (2) *such commodities* as are dealt in or used by manufacturers of metal buildings between the facilities of Walker Parkersburg, at or near Parkersburg, WV, on the one hand, and, on the other, points in WI, IL, IN, OH, MI, PA, NY, and KY. (Hearing site: Cleveland, OH, or Charleston, WV.)

MC 123744 (Sub-69F), filed November 2, 1979. Applicant: BUTLER TRUCKING COMPANY, A Corporation, P.O. Box 88, Woodland, PA 16881. Representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001. Transporting *refractory products, and materials and supplies* used in the manufacture or installation of refactory products, (1) from Claysburg, Salina, and Sproul, PA, to points in OH, and NY; (2) from Gary, IN, and Rockdale, IL, to points in MI; and (3) from Hitchins, KY, to points in IL, IN, OH, PA, WV, MI, NY, VT, NH, and ME. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 123744 (Sub-70F), filed November 2, 1979. Applicant: BUTLER TRUCKING COMPANY, A Corporation, P.O. Box 88, Woodland, PA 16881. Representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, DC 20001. Transporting *building board, wall board,* and *insulating board,* from Jamesburgh, NJ, and Florence, KY, to points in PA, NY, WV, OH, MI, IN, IL, CT, RI, MA, VT, NH, ME, NJ, and KY. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 124004 (Sub-54F), filed November 5, 1979. Applicant: RICHARD DAHN, INC., 620 West Mountain Rd., Sparta, NJ 07871. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *recycled materials,* between Hempstead, NY, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, AR, and TX. (Hearing site: New York, NY, or Washington, DC.)

MC 134467 (Sub-32F), filed November 5, 1979. Applicant: INTERSTATE TRANSPORT, INC., 1600 Highway 129 South, Gainesville, GA 30501. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. Transporting (1) *paper* and *paper products* (except commodities in bulk); and (2) *materials, equipment* and *supplies* used in the manfuacture and distribution of paper and paper products, between the facilities of Scott Paper Company, located in AL, AR, DE, NJ, PA, and WI, on the one hand, and, on the other, points in PA, OH, IN, MI, IL, WI, MN, IA, MO, KS, CO, AR, TX, LA, MS, AL, FL, GA, NC, SC, and TN. (Hearing site: Philadelphia, PA, or Atlanta, GA.)

MC 134645 (Sub-31F), filed November 2, 1979. Applicant: LAKE STATE TRANSPORT, INC., P.O. Box 944, Highway 75, South, Saint Cloud, MN. Representative: Anthony E. Young, 29 S. LaSalle St., Suite 350, Chicago, IL 60603. Transporting (1) *bananas,* and (2) *agricultural commodities* the transportation of which is otherwise exempt from economic regulation under 49 U.S.C. § 10526(a)(6), in mixed loads with bananas, from the facilities of Del Monte Banana Co., at Port Hueneme, CA, to points in CO, IL, IN, IA, KS, KY, MI, MN, MO, NE, ND, OH, OK, SD, TX, and WI, restricted to the transportation of traffic having a prior movement by water. (Hearing site: Los Angeles or San Francisco, CA.)

MC 134954 (Sub-6F), filed November 7, 1979. Applicant: INTERNATIONAL PRODUCTS CORP., 402 North Sixth St., P.O. Box 1158, Chickasha, OK 73018. Representative: Rufus H. Lawson, 2753 Northwest 22nd St., Oklahoma City, OK 73107. *Contract carrier,* in interstate or foreign commerce, transporting *dry fertilizer,* from Pasadena, TX, to points in OK, under continuing contract(s) with Smith-Douglass, Division of Borden Chemical, Borden, Inc., of Norfolk, VA.

MC 135895 (Sub-75F), filed November 5, 1979. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Douglas C. Wynn, P.O. Box 1259, Greenville, MS 38701. Transporting (1) *such commodities* as are dealt in or used by manufacturers or processors of paper (except commodities in bulk and those requiring special equipment), between the facilities of Boise Cascade Corporation, at or near DeRidder and Elizabeth, LA, on the one hand, and, on the other, those points in the United States in and east of NM, CO, NE, SD, and ND. (Hearing site: Denver, CO, or Dallas, TX.)

MC 135944 (Sub-3F), filed November 6, 1979. Applicant: ROGERS EXPRESS, INC., 1310 S. West St., Indianapolis, IN 46204. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting (1) *fruit flavored beverages and dry beverage preparation,* and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, between the facilities of Penny Products, Inc., at Trafalger, IN, on the one hand, and, on the other Eldorado, IL, and those points in IL, on and south of Interstate Hwy 80 and on and north of Interstate Hwy. 70. (Hearing site: Indianapolis, IN.)

MC 136315 (Sub-97F), filed November 6, 1979. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 28, Philadelphia, MS 39350. Representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. Transporting (1) (a) *metal buildings and grain handling equipment,* and (b) *accessories* and *parts* for the commodities in (1)(a), from the facilities of Bantam Systems of Nebraska, at or near Hastings, NE, to those points in the United States in and east of TX, OK, KS, NE, SD, and ND, and (2) *materials, equipment and supplies* used in the manufacture and distribution of those commodities named in (1) above, in the reverse direction. (Hearing site: Omaha, NE, or Washington, DC.)

Note.—Dual operations may be involved.

MC 136635 (Sub-26F), filed November 5, 1979. Applicant: UNIVERSAL CARTAGE, INC., 640 W. Ireland Rd., South Bend, IN 46680. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting (1) *lawn and garden tractors,* (2) *snow blowers,* (3) *parts and attachments* for the commodities in (1) and (2) above, and; (4) *materials and supplies* used in the manufacture and assembly of garden tractors, between the facilities of Wheelhorse Products, Inc., at (a) South Bend, IN, (b) Lansing, MI, (c) Hopkins, MN, (d) Leetsdale, PA, (e) West Springfiled, MA, (f) Little Rock, AR, and (g) Doraville, GA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 136635 (Sub-27F), filed November 5, 1979. Applicant: UNIVERSAL CARTAGE, INC., 640 W. Ireland, RD., South Bend, IN 46680. Representative:

Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *paper and paper products,* from Louisville, KY, to points in IN. (Hearing site: Louisville, KY.)

MC 138875 (Sub-249F), filed November 2, 1979. Applicant: SHOEMAKER TRUCKING COMPANY, a corporation, 11900 Franklin Rd., Boise, ID 83709. Representative: F. L. Sigloh, (same address as applicant). Transporting *ground clay, and floor sweeping compounds (except commodities in bulk),* from the facilities used by Oil-Dri Corp. of America, (a) at or near Ripley, MS and (b) at points in GA, to points in AL, AR, CT, DE, FL, IA, IL, IN, KS, KY, LA, MA, MD, MI, MN, MO, NC, NE, NJ, NY, OH, OK, PA, RI, SC, TN, TX, VA, WV, WI, and DC. (Hearing site: Boise, ID, or Washington, DC.)

MC 138875 (Sub-250F), filed November 2, 1979. Applicant: SHOEMAKER TRUCKING COMPANY, a corporation, 11900 Franklin Rd., Boise, ID 83709. Representative: F. L. Sigloh, (same address as applicant). Transporting *chemicals* (except in bulk), from points in AR, to points in ID. (Hearing site: Boise, ID, or Washington, DC.)

MC 138875 (Sub-251F), filed November 2, 1979. Applicant: SHOEMAKER TRUCKING COMPANY, a corporation, 11900 Franklin Rd., Boise, ID 83709. Representative: F. L. Sigloh, (same address as applicant). Transporting *metal tool boxes, tanks, and material handling accessories,* from points in AR, to points in MI, MN, MT, NC, ND, OH, PA, SC, SD, VA, and WV. (Hearing site: Boise, ID, or Washington, DC.)

MC 141774 (Sub-31F), filed November 2, 1979. Applicant: R & L TRUCKING CO., INC., 105 Rocket Ave., Opelika, AL 36801. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. Transporting *paper and plastic bags, wrapping paper, and materials and supplies* used in the manufacture, packaging, and distribution of paper bags (except commodities in bulk) from the facilities of International Paper Co., at or near Jackson, TN, to points in FL and GA. (Hearing site: Nashville, TN, or Birmingham, AL.)

MC 141804 (Sub-290F), filed November 2, 1979. Applicant: WESTERN EXPRESS, DIVISION, of INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman, (same address as applicant). Transporting *such commodities* as are dealt in or used by distributors of motor vehicle parts and accessories, between Los Angeles, CA, Portland, OR, Houston, TX, North Brunswick, NJ, Atlanta, GA, Chicago, IL, and Denver, CO, on the one hand, and, on the other, points in the United States (except AK, and HI). (Hearing site: Los Angeles, CA.)

MC 142864 (Sub-25F), filed November 6, 1979. Applicant: RAY E. BROWN TRUCKING, INC., P.O. Box 501, Massillon, OH 44646. Representative: Jerry B. Sellman, 50 West Broad St., Columbus, OH 43215. Transporting *frozen foodstuffs,* from the facilities of Kitchens of Sara Lee, at Deerfield and Chicago, IL, to those points in PA on and west of U.S. Hwy. 219, restricted to the transportation of traffic originating at the above-named facilities and destined to the named destinations. (Hearing site: Chicago, IL, or Washington, DC.)

MC 145895 (Sub-2F), filed November 2, 1979. Applicant: STATE TRANSPORTATION, INC., Route #1, Bypass (P.O. Box 1349), Portsmouth, NH 03801. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181. *Contract carrier,* Transporting (1) *paper and paper products,* and (2) *equipment, material and supplies used in the manufacture and distribution of the commodities named in (1), above,* between the facilities of Scott Paper Company, in ME, MA, and NY, on the one hand, and, on the other, points in CT, ME, MA, NH, NY, RI, and VT, under continuing contract(s) with Scott Paper Company, of Philadelphia, PA. (Hearing site: Boston, MA.)

MC 146194 (Sub-5F), filed November 6, 1979. Applicant: M.T.S. TRUCKING, INC., 113 Center St., Jackson, MN 56143. Representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting *tankage,* in bulk, from the facilities used by John Morrell & Co., at or near Estherville, IA, to points in AR, IL, MN, MO, NE, SD, and WI. (Hearing site: Minneapolis or St. Paul, MN.)

MC 147025 (Sub-2F), filed November 5, 1979. Applicant: KENNETH C. FREIBOTH d.b.a. FREIBOTH TRUCKING COMPANY, 24537 North Wind Rd., Wind Lake, WI 53185. Representative: David V. Purcell, 111 East Wisconsin Ave., Milwaukee, WI 53202. *Contract carrier,* transporting *polyethylene film and sheeting* from the facilities of Andmar Plastic Co., Inc., at Clifton, NJ, to points in IL, IN, the lower peninsula of MI, NY, OH, PA, and WI, under continuing contract(s) with Andmar Plastic Co., Inc. (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 147664 (Sub-2F), filed November 5, 1979. Applicant TRANSCONTINENTAL REFRIGERATED EXPRESS, INC., 145 Crispen Blvd., Brunswick, GA 31520. Representative: W. Eugene Caldwell, 1528 Ellis St., P.O. Box 1496, Brunswick, GA 31520. Transporting (1) *frozen* and *canned foodstuffs,* (2) *materials, supplies,* and *equipment* used in the manufacture and distribution of foodstuffs (except commodities in bulk); from points in GA, to points in the United States (except AK and HI). (Hearing site: Jacksonville, FL or Savannah, GA.)

MC 148165 (Sub-2F), filed November 6, 1979. Applicant: GEORGE KUIPHOF, d.b.a. G. K. DISTRIBUTING CO., 13101 East Roesecrans Ave., Santa Fe Springs, CA 90670. Representative: George Kuiphof (same address as applicant). *Contract carrier,* transporting *plastic* or *copper tubing* and *plastic, brass iron* or *steel fittings adhesives, cement* and *cast iron valves,* from Los Angels, CA, to points in AZ and NV, under continuing contract(s) with Piping Products West of Vernon, CA. (Hearing site: Los Angeles, CA, or Santa Ana, CA.)

MC 148644F, filed November 5, 1979. Applicant: GARY W. GLASS, d.b.a. GLASS ENTERPRISES, 3117 Christine Rd., Memphis, TN 38118. Representative: Thomas A. Stroud, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Transporting (1) *meats, meat products, meat by-products, and articles distributed by meat packing houses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. at 209 at 766, *(except hides and commodities in bulk)* and (2) *food stuffs* (except the commodities in (1) above, and commodities in bulk), in mixed loads from the facilities of Hernando Boneless Beef Company, at Hernando, MS, to St. Louis, MO, Little Rock, AR, New Orleans, LA, Louisville, KY, Atlanta, GA, and Nashville, TN. (Hearing site: Memphis, TN.)

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Decided: March 4, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

MC 1515 (Sub-281F), filed November 28, 1979. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077. Representative: Lat J. Celmins (same address as applicant). Over regular and irregular routes transporting (a) *passengers and their baggage and express and newspapers* in the same vehicle with passengers, (1) between Denver, CO and Cedar City, UT: From Denver CO over U.S. Hwy 6 to junction Int Hwy 70, then over Int Hwy 70 to junction US Hwy 6 at Frisco, CO, then over US Hwy 6 to Wheeler Jct., CO, then over Int Hwy 70 (portions of which are also designated US Hwy 6) to junction unnumbered hwy north of Eagle, CO, then over unnumbered hwy to Eagle, CO, then over US Hwy 6 (also

designated Int Hwy 70) to junction Int Hwy 70 east of Glenwood Springs, CO, then over Int Hwy 70 to junction US Hwy 6 west of Rifle, CO, then over US Hwy 6 (also designated Int Hwy 70) to junction Int Hwy 70 and CO Hwy 65, then over Int Hwy 70 to junction US Hwy 6, then over US Hwy 6 (also designed Int Hwy 70) to junction Int Hwy 70, then over Int Hwy 70 to junction UT Hwy 4 south of Salina, UT, then over UT Hwy 4 to Salina, UT, then over US Hwy 89 to Sevier, UT, then over US Hwy 4 (also designated Int Hwy 70) to junction Int Hwy 70 east of Cove Fort, UT, then over Int Hwy 70 to junction Int Hwy 15, then over Int Hwy 15 to junction UT Hwy 130, then over UT Hwy 130 to Cedar City, UT and return over the same route, serving all intermediate points: (2) between junction US Hwy 6 and Int Hwy 70 and Idaho Springs, CO over US Hwy 6 serving all intermediate points: (3) between junction BR Int Hwy 70 and Int Hwy 70 and junction BR Int Hwy 70 and Int Hwy 70, from junction BR Int Hwy 70 and Int Hwy 70 over BR Int Hwy 70 to junction Int Hwy 70 and return over the same route, serving all intermediate points: (4) between junction unnumbered hwy and Int Hwy 70 and junction US Hwy 6 and Int Hwy 70: From junction unnumbered hwy and Interstate Hwy 70 over unnumbered hwy to Grand Junction, CO, then over US Hwy 6 to junction Int Hwy 70 and return over the same route, serving all intermediate points: (5) between junction unnumbered hwy and Int Hwy 70 and Fruita, CO over unnumbered hwy serving all intermediate points: (6) between junction UT Hwy 130 and Int Hwy 70, and Cedar City, UT: From junction UT Hwy 130 and Int Hwy 70 over Interstate Hwy 70 to junction UT Hwy 56, then over UT Hwy 56 to Cedar City, UT and return over the same route, serving all intermediate points; and (b) *passengers and their baggage* in one-way and round-trip charter and special operations: Between points in Denver, Jefferson, Clear, Creek, Summit, Eagle, Carfield and Mesa Counties, CO, and Grand, Emery, Sevier and Millard Counties, UT, on the one hand, and, on the other, points in the US (including Alaska but excluding Hawaii). Applicant proposes to tack the regular route authority south with its other authority in MC 1515. (Hearing site: Denver, CO, or Las Vegas NV.)

MC 1824 (Sub-111F), filed November 29, 1979. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Blvd., Preston, MD 21655. Representative: Charles S. Perry (same address as applicant). Transporting *bananas*, from Albany, NY, Baltimore, MD, and Port Newark, NJ, to points in CT, DE, IL, IN, IA, KY, ME, MD, MA, MI, MO, MN, NE, NH, NJ, NY, OH, PA, RI, VT, VA, WV, WI, and DC. (Hearing site: Washington, DC.)

MC 2934 (Sub-53F), filed November 28, 1979. Applicant: AERO MAYFLOWER TRANSIT CO., INC., 9998 North Michigan Rd., Carmel, IN 46032. Representative: James L. Beattey, 130 East Washington St., Suite One Thousand, Indianapolis, IN 46204. Transporting *Television sets, cassette, recorders, video-tape recorders and accessories*, from Bloomington, IN, to points in AL, AR, CT, DE, FL, GA, IL, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VA, VT, WV, and DC. (Hearing site: Indianapolis, IN.)

MC 8538 (Sub-96F), filed August 9, 1979. Applicant: GEORGE TRANSFER AND RIGGING COMPANY, INCORPORATED, P.O. Box 500, Parkton, MD 21120. Representative: John Guandolo, 1000 Sixteenth Street NW., Washington, DC 20036. Transporting *iron and steel articles* (except in dump vehicles), (1)(a) from the facilities of United States Steel Corporation at or near Braddock, Clairton, Duquesne, Fairless, Homestead, Dravosburg, Johnston, McKeesport, McKees Rocks, Pittsburgh, and Vandergrift, PA, and Cleveland, Lorain, and Youngstown, OH, to points in IL and IN and (b) *materials, equipment and supplies* used in the manufacture of iron and steel articles from points in IL, and IN to the above named facilities and (2)(a) from the facilities of United States Steel Corporation at or near Gary, IN, and Joliet and South Chicago, IL, to points in DE, IL, IN, KY, MD, NJ, NY, NC, OH, PA, SC, TN, VA, WV, and DC and (b) *materials, equipment and supplies* used in the manufacture of iron and steel articles, from above-named destination States to the above-named facilities. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 14215 (Sub-62F), filed August 13, 1979. Applicant: SMITH TRUCK SERVICE, INC., P.O. Box 1329, Steubenville, OH 43952. Representative: John L. Alden, 1396 West Fifth Avenue, P.O. Box 12241, Columbus, OH 43212. Transporting (1) *refractories and refractory products, and (2) materials, equipment and supplies used in the manufacture and installation of refractories and refractory products*, (except commodities in bulk, in tank vehicles), between points in Callaway and Audrain Counties, MO, on the one hand, and, on the other, points in AR, AL, CO, DE, DC, FL, GA, IL, IA, IN, KS, KY, LA, MD, MI, MN, MO, MS, NC, NE, ND, NJ, NY, OH, OK, PA, SC, SD, TX, TN, VA, WI, and WV. (Hearing site: Columbus, OH, or Washington, DC.)

MC 15155 (Sub-6F), filed August 13, 1979. Applicant: H & W MOTOR LINES, INC., 94 Pintard Ave., New Rochelle, NY 10805. Representative: David M. Marshall, 101 State St., Suite 304, Springfield, MA 01103. Transporting *such commodities as are dealt in by or used liquor business houses*, between the facilities of the Miller Brewing Company in Oswego and Onondaga Counties, NY, on the one hand, and, on the other, New York, NY, points in NY and NJ within 20 miles of New York, NY, points in MA in and west of Worcester County, and points in Hartford County, CT. (Hearing site: New York, NY.)

MC 15975 (Sub-23F), filed August 27, 1979. Applicant: BUSKE LINES, INC., 123 W. Tyler Ave., Litchfield, IL 62056. Representative: Howard H. Buske (same address as applicant). Transporting *glass containers, and materials, equipment*, and *supplies* used in the manufacture, sale, and distribution of glass containers (except commodities in bulk or those requiring the use of special equipment), between the facilities of Midland Glass Co., at Cliffwood, NJ, Warner Robins, GA, Henryetta, OK, Terre Haute, IN, and Shakopee, MN, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: St. Louis, MO, or Springfield, IL.)

MC 26825 (Sub-42F), filed November 27, 1979. Applicant: ANDREWS VAN LINES, INC., P.O. Box 1609, Norfolk, NE 68701. Representative: J. Max Harding, P.O. Box 82028, Lincoln, NE 68501. Transporting *room heating devices*, from Seattle, WA; and San Diego, Los Angeles, and San Francisco, CA to points in CA, OR and WA, restricted to the transportation of traffic having a prior movement by air or water. (Hearing site: Seattle, WA, or San Francisco, CA.)

MC 41064 (Sub-6F), filed November 28, 1979. Applicant: KENT EXPRESS, INC., Railroad & Gaff St., Aurora, IN 47001. Representative: Edward R. Kirk, 85 East Gay St., Columbus, OH 43215. Transporting *salt*, in bags, from Cincinnati, OH, to points in IN on and east of US Hwy 231 and south of US Hwy 24. (Hearing site: Cincinnati, OH.)

MC 49544 (Sub-1F), filed August 28, 1979. Applicant: BOYER-ROSENE MOVING & STORAGE, INC., 2512 So. Clearbrook Dr., Arlington Heights, IL 60005. Representative: Michael F. Sheehan, Jr., 29 South LaSalle St., Suite 830, Chicago, IL 60603. Transporting *household goods, articles included in Ex-Parte MC-19, new furniture,*

carpeting, appliances and store fixtures, between points in OH, IN, MI, IL and WI, on the one hand, and, on the other, points in GA, FL, KS, OK and TX. (Hearing site: Chicago, IL.)

MC 50935 (Sub-30F), filed November 30, 1979. Applicant: WOLVERINE TRUCKING COMPANY, a corporation, 1020 Doris Rd., Pontiac, MI 48057. Representative: Robert E. McFarland, 999 West Big Beaver Rd., Suite 1002, Troy, MI 48084. Transporting *alcoholic beverages* in containers, from Plainfield, IL to Lincoln Park and Lansing, MI. (Hearing site: Detroit, or Lansing, MI.)

MC 50935 (Sub-31), filed November 30, 1979. Applicant: WOLVERINE TRUCKING COMPANY, 1020 Doris Rd., Pontiac, MI 48057. Representative: Robert E. McFarland, 999 West Big Beaver Rd., Suite 1002, Troy, MI 48084. Transporting *beverage compounds,* from the facilities of Faygo Beverages, Inc., at or near Detroit, MI, to points in NY. (Hearing site: Detroit, or Lansing, MI.)

MC 52704 (Sub-243F), filed August 27, 1979. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., Post Office Drawer "H", LaFayette, AL 36862. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Transporting *paper and paper products,* and *materials, equipment and supplies used in the manufacture and distribution of paper and paper products* (except commodities in bulk, in tank vehicles), between points in the United States in and east of MN, IA, MO, OK and TX, restricted to the transportation of traffic originating at or destined to the facilities of Gilman Paper Company. (Hearing site: Atlanta, GA.)

MC 60014 (Sub-141F), filed August 13, 1979. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 15146. Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. Transporting (1) *Iron and steel fencing and (2) materials and supplies* used in the installation of fencing, from the facilities of Century Tube Corporation, in Jefferson County, AR, to points in the United States. (Hearing site: Washington, DC.)

MC 60014 (Sub-142F), filed August 27, 1979. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 15146. Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. Transporting *backhoes, cranes, lift trucks, self-propelled vehicles, and parts, attachments, and accessories* of the foregoing commodities, between the facilities of Master Craft Industrial Equipment Corp., at Tifton, GA on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Atlanta, GA, or Washington, DC.)

MC 61825 (Sub-119F), filed November 28, 1979. Applicant: ROY STONE TRANSFER CORPORATION, V. C. Drive, Post Office Box 385, Collinsville, VA 24078. Representative: John D. Stone (same address as applicant). Transporting (1) *Furances, solar collectors and air conditioners, and parts and accessories and (2) materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1), between Columbus and Lima, OH, on the one hand, and, on the other hand, points in AL, DE, FL, GA, KY, LA, MD, MS, NC, NJ, NY, PA, SC, TN, VA, WV, and DC, restricted to the transportation of traffic from or to the facilities of Lennox Industries, Inc. (Hearing site: Washington, DC.)

MC 61825 (Sub-120F), filed November 28, 1979. Applicant: ROY STONE TRANSFER CORPORATION, V. C. Drive, Post Office Box 385, Collinsville, VA 24078. Representative: John D. Stone (same address as applicant). Transporting *salt and salt products,* in packages, from Silver Springs, NY, to points in GA, KY, MD, NC, SC, TN, VA, and WV. (Hearing site: Washington, DC.)

MC 94265 (Sub-319F), filed August 14, 1979. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305, Windsor, VA 23487. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. Transporting *meats, meat products, and meat byproducts, and articles distributed by meat packing houses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766* (except in bulk, and hides); (a) from the facilities of MBPXL Corporation at or near Plainview, TX, to points in AL, FL, GA, NC, SC, TN, and VA; and (b) from the facilities of MBPXL Corporation, at or near Friona, TX, to points in AL, FL, GA, SC, and TN, restricted in (a) and (b) to the transportation of traffic originating at the named facilities and destined to the named destination points. (Hearing site: Kansas City, MO, or Washington, DC.)

MC 94265 (Sub-328F), filed November 28, 1979. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305, Windsor, VA 23487. Representative: John J. Capo, P.O. Box 720434, Atlanta, GA 30328. Transporting *meats, meat products, and meat byproducts and articles distributed by meat-packing houses,* as described in Sections A and C of Appendix I to *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles) from the facilities used by John Morrell & Co, at or near Montgomery, AL, East St. Louis, IL, Shreveport, LA, and Memphis, TN, to points in AL, FL, GA, MD, NC, SC, VA, WV, and DC, restricted to the transportation of traffic originating at the named facilities. (Hearing site: Chicago, IL, or Washington, DC.)

MC 94265 (Sub-329F), filed November 28, 1979. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305, Windsor, VA 23487. Representative: John J. Capo, P.O. Box 720434, Atlanta, GA 30328. Transporting *meats, meat products, and meat byproducts* as described in section A to Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, (1) from the facilities used by Country Smoked Meats, Inc. at or near Wooster, OH to points in MD, NC, VA, WV, and DC; (2) from points in VA to the facilities used by Country Smoked Meats, Inc., at or near Wooster, OH. (Hearing site: Cincinnati, OH, or Washington, DC.)

MC 94265 (Sub-330F), filed November 28, 1979. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305, Windsor, VA 23487. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. Transporting *Meats, meat products, meat byproducts, and articles distributed by meat-packing houses,* as described in Sections A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, from points in Southampton County, VA, to points in GA, MD, NC, PA, SC, and DC. (Hearing site: Atlanta, GA, or Washington, DC.)

MC 94265 (Sub-331F), filed November 28, 1979. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305, Windsor, VA 23487. Representative: John J. Capo, P.O. Box 720434, Atlanta, GA 30328. Transporting *meats, meat products, meat byproducts and articles distributed by meat-packing houses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, (except hides and commodities in bulk, in tank vehicles); from the facilities used by John Morrell & Co. at or near Amarillo, El Paso and Lubbock, TX to points in AL, FL, GA, MD, NC, SC, VA, WV, and DC, restricted to the transportation of traffic originating at the named facilities. (Hearing site: Atlanta, GA, or Washington, DC.)

MC 94265 (Sub-332F), filed November 29, 1979. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305, Windsor, VA 23487. Representative: John J. Capo, P.O. Box 720434, Atlanta, GA 30328.

Transporting *Meats, meat products, and meat by products, dairy products, and articles distributed by meat-packing houses* as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the facilities used by John Morrell & Co. at or near Sioux Falls, SD to points in AL, FL, GA, MD, NC, SC, VA, WV, and DC, restricted to the transportation of traffic originating at the facilities named. (Hearing site: Chicago, IL, or Washington, DC.)

MC 105045 (Sub-135F), filed November 27, 1979. Applicant: R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania St., Evansville, IN 47701. Representative: Richard C. McGinnis, 711 Washington Bldg., Washington, DC 20005. Transporting (1) *particle board, paneling and plywood*, from the facilities of Paneling Industries, Inc., at or near Fort Valley, GA, to points in the United States (except AK and HI), and (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) in the reverse directions. (Hearing site: Atlanta, GA.)

MC 106674 (Sub-425F), filed August 26, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). Transporting *empty drums*, from points in IL, IN, KY, MI, OH, TN, WV, and WI, to Houston, TX, and Jefferson County, TX. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 107295 (Sub-932F), filed August 27, 1979. Applicant: PRE–FAB TRANSIT CO., a corporation, P.O. Box 146, Farmer City, IL 61842. Representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, IL 62707. Transporting *metal building panels*, from Pontiac, MI, to points in AZ, CA, ID, NV, OR, UT, and WA. (Hearing site: Chicago, IL.)

MC 110525 (Sub-1306F), filed August 13, 1979. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, PA 19355. Representative: Thomas J. O'Brien (same address as applicant). Transporting (1) *Liquid chemicals*, in bulk, in tank vehicles from Rensselaer, NY, to points in CT, MA, and VT and (2) *petroleum, petroleum products, petrochemicals, and chemicals*, in bulk, in tank vehicles, between the facilities of Ashland Oil, Inc., in Boyd County, KY, Lawrence County, OH, and Wayne County, WV, on the one hand, and, on the other, points in the US in and east of MN, IA, MO, AR, LA. (Hearing site: Columbus County, OH.)

MC 110525 (Sub-1318F), filed November 28, 1979. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Ave., Downingtown, PA 19335. Representative: Thomas J. O'Brien (same address as applicant). Transporting (1) *Dicalcium phosphate*, dry, in bulk, in tank vehicles, from Camden, NJ, to ports of entry on the international boundary line between the US and Canada, (2) *blended whiskey*, in bulk, in tank vehicles, from ports of entry on the international boundary line between the US and Canada to St. Louis, MO, (3) *Vegetable oils, animal fats and products* of the named commodities in bulk, in tank vehicles, from Pawtucket, RI, to ports of entry on the international boundary line between the US and Canada and *raw materials* used in the manufacture of the above named products, from points in MI, to Pawtucket, RI. (Hearing site: Boston, MA.)

MC 111274 (Sub-53F), filed August 28, 1979. Applicant: SCHMIDGALL TRANSFER INC., P.O. Box 356, Morton, IL 61550. Representative: Frederick C. Schmidgall (same address as application). To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *materials and equipment used or useful in the manufacture, erection and completion of metal buildings and metal buildings*, between El Paso, IL, Ft. Collins, CO, and Houston, TX, and points in AL, AR, CO, CT, DE, FL, GA, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, WI, and WY, under continuing contract(s) with Marathon Metallic Bldg. Co., of El Paso, IL. (Hearing site: Springfield or Chicago, IL.)

MC 111274 (Sub-55F), filed August 13, 1979. Applicant: SCHMIDGALL TRANSFER INC., P.O. Box 356, Morton, IL 61550. Representative: Frederick C. Schmidgall, P.O. Box 356, Morton, IL 61550. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *furnace pipe elbows, duct work, register boots, register boxes, wall stack, gutters and rain carrying accessories, and (2) materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above, between the facilities of Champion Furnace Pipe Company, at Peoria, IL, on the one hand, and, on the other, points in AR, IN, IA, KS, KY, MI, MN, MO, NE, OH, OK, TN, WV, and WI, under continuing contract(s) with Champion Furnace Pipe Company, of Peoria, IL. (Hearing site: Springfield or Chicago, IL.)

MC 113434 (Sub-149F), filed November 27, 1979. Applicant: GRA-BELL TRUCK LINE, INC., A5253 144th Ave., Holland, MI 49423. Representative: Miss Wilhelmina Boersma, 1600 First Federal Bldg., 1001 Woodward Ave., Detroit, MI 48226. Transporting *edible flour, mixes, and bases for mixes* (except in bulk), from the Peavey Company at or near Alton, IL, to points in IA, IN, KY, MI, NJ, NY, OH, PA, TN, WI, and WV. (Hearing site: Chicago, IL, or Detroit, MI.)

MC 116544 (Sub-192F), filed November 28, 1979. Applicant: ALTRUK FREIGHT SYSTEMS, INC., 1703 Embarcadero Rd., Palo Alto, CA 94303. Representative: Richard G. Lougee, P.O. Box 10061, Palo Alto, CA 94303. Transporting *foodstuffs*, from the facilities of Doric Foods Corporation at or near Findley, OH, to points in PA, NY, NJ, MA, CT, RI, MD, DE, CO, MO, KS, NE, ND, SD, MN, IA, IL, IN, OK, WI, and DC. (Hearing site: Orlando, FL, or Washington, DC.)

MC 117165 (Sub-57F), filed November 29, 1979. Applicant: ST. LOUIS FREIGHT LINES, INC., P.O. Box 2140, Michigan City, IN 46360. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Transporting *materials and supplies* used in the manufacture and distribution of building materials and insulating materials (except in bulk), from points in the United States in and east of ND, SD, NE, KS, OK, and TX, to (1) the facilities of Johns-Manville Sales Corp. at or near Alexandria, IN, Jackson, TN, Waukegan, IL, and Wilton, IA, and (2) the facilities of Johns-Manville Perlite Corp., at or near Rockdale, IL. (Hearing site: Chicago, IL.)

MC 117165 (Sub-58F), filed November 29, 1979. Applicant: ST. LOUIS FREIGHT LINES, INC., P.O. Box 2140, Michigan City, IN 46360. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Transporting (1) *gypsum and gypsum products, and (2) materials and supplies* used in the manufacture, installation and distribution of commodities in (1), from the facilities of Georgia-Pacific Corporation, Gypsum Division, at Grand Rapids, MI, to points in IL, IN, KY, OH, WI, and WV. (Hearing site: Chicago, IL.)

MC 119755 (Sub-4F), filed November 27, 1979. Applicant: WEST-TRADE TRANSPORT LTD., 2453 Gilmore Ave., P.O. Box 5300, Vancouver, B.C., Canada V6B 4B6. Representative: Jack R. Davis, 1100 IBM Bldg., Seattle, WA 98101. In foreign commerce only transporting *equipment, materials, and supplies* used in the production of opera performances, between ports of entry on the

international boundary line between the US and Canada in WA, ID, MT, ND, MN, MI, NY, VT, NH, ME, on the one hand, and, on the other, points in the United States (excluding AK, and HI). Condition: The persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under Section 49 U.S.C. 11343(a), or submit an affidavit indicating why such approval is unnecessary. Affidavits are due 20 days from the date of publication. (Hearing site: Seattle, WA.)

MC 119755 (Sub-5F), filed November 27, 1979. Applicant: WEST-TRADE TRANSPORT LTD., 2453 Gilmore Ave., P.O. Box 5300, Vancouver, B.C., Canada V6B 4B6. Representative: Jack R. Davis, 1100 IBM Bldg., Seattle, WA 98101. Transporting in foreign commerce only *road construction machinery and equipment* as described in Appendix VIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between ports of entry on the international boundary line between the US and Canada in WA, OR, CA, ID, NV, UT, and AZ. Condition: The persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under Section 49 U.S.C. 11343(a), or submit an affidavit indicating why such approval is unnecessary. Affidavits are due 20 days from the date of publication. (Hearing site: Seattle, WA.)

MC 119755 (Sub-6F), filed November 28, 1979. Applicant: WEST-TRADE TRANSPORT LTD., 2453 Gilmore Ave., P.O. Box 5300, Vancouver, B.C., Canada V6B 4B6. Representative: Jack R. Davis, 1100 IBM Bldg., Seattle, WA 98101. In foreign commerce only transporting *scrap metals*, for recycling only, between ports of entry on the international boundary line between the US and Canada in WA, ID, and MT, on the one hand, and, on the other, points in WA and OR. Condition: The persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under Section 49 U.S.C. 11343(a), or submit an affidavit indicating why such approval is unnecessary. Affidavits are due 20 days from the date of publication. (Hearing site: Seattle, WA.)

MC 119755 (Sub-7F), filed November 28, 1979. Applicant: WEST-TRADE TRANSPORT LTD., 2453 Gilmore Ave., P.O. Box 5300, Vancouver, B.C., Canada V6B 4B6. Representative: Jack R. Davis, 1100 IBM Bldg., Seattle, WA 98101. To transport in foreign commerce only *lumber and wood products*, between ports of entry on the international boundary line between the United States and Canada in WA, ID, and MT, on the one hand, and, on the other, points in WA, OR, CA, ID, MT, WY, CO, NV, UT and AZ. Condition: The persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under Section 49 U.S.C. 11343(a), or submit an affidavit indicating why such approval is unnecessary. Affidavits are due 20 days from the date of publication. (Hearing site: Seattle, WA.)

MC 119755 (Sub-8F), filed November 28, 1979. Applicant: WEST-TRADE TRANSPORT LTD., 2453 Gilmore Ave., P.O. Box 5300, Vancouver, B.C., Canada V6B 4B6. Representative: Jack R. Davis, 1100 IBM Bldg., Seattle, WA 98101. To transport in foreign commerce only *iron and steel articles* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 between ports of entry on the international boundary line between the US and Canada in WA, ID, and MT, on the one hand, and, on the other, points in WA, OR, CA, ID, MT, WY, CO, NV, UT, and AZ. Condition: The persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under Section 49 U.S.C. 11343(a), or submit an affidavit indicating why such approval is unnecessary. Affidavits are due 20 days from the date of publication. (Hearing site: Seattle, WA.)

MC 123255 (Sub-215F), filed August 27, 1979. Applicant: B & L MOTOR FREIGHT, INC., 1984 Coffman Rd., Newark, OH 43055. Representative: C. F. Schnee, Jr. (same address as applicant). Transporting *fiberglass products, fibrous glass mineral wool products, fibrous glass textile products, plastic materials and plastic products, and fibrous glass textile materials*, from the facilities of Owens-Corning Fiberglas Corporation, at of near Rotterdam, NY, to points in CT, DE, ME, MD, MA, NH, NJ, OH, PA, RI, VT, VA, WV, and DC. (Hearing site: Columbus, OH.)

MC 123744 (Sub-72F), filed November 30, 1979. Applicant: BUTLER TRUCKING TRUCKING COMPANY (a Corporation), P.O. Box 88, Woodland, PA 16881. Representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, DC 20001. To transport *refractories, and materials and supplies* used in the manufacture of refractories, between East Canton, OH on the one hand, and, on the other, points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Washington, DC.)

MC 123965 (Sub-11F), filed November 27, 1979. Applicant: KEAL DRIVEAWAY COMPANY (a Corporation), 852 East 73rd St., Cleveland, OH 44103. Representative: William P. Sullivan, 1320 Fenwick Lane, Silver Spring, MD 20910. To transport *automobiles, trucks, chassis, and commercial vehicles*, in driveaway service, (1) between points in the United States west of US Hwy 81, and (2) between points in (1), on the one hand, and, on the other, points in the United States in and east of US Hwy 81. (Hearing site: Washington, DC.)

MC 124154 (Sub-88F), filed August 26, 1979. Applicant: WINGATE TRUCKING COMPANY, INC., P.O. Box 645, Albany, GA 31702. Representative: Thomas F. Panebianco, P.O. Box 1200, Tallahassee, FL 32302. Transporting *limestone* and *marble chips crushed* (except in bulk) between points in Talladega County, AL on the one hand, and, on the other, points in the United States in and east of TX, OK, KS, IA, and MN. (Hearing site: Atlanta GA.)

MC 124154 (Sub-89F), filed August 26, 1979. Applicant: WINGATE TRUCKING COMPANY, INC., Post Office Box 645, Albany, GA 31702. Representative: Thomas F. Panebianco, Post Office Box 1200, Tallahassee, FL 32302. Transporting *agricultural chemicals* and *materials, supplies* and *machinery* used in the manufacture and distribution of agricultural chemicals (except commodities in bulk), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Helena Chemcial Company. (Hearing site: Atlanta GA.)

MC 128095 (Sub-37F), filed November 29, 1979. Applicant: IBCO TRUCK LINE, INC., P.O. Box 1402, Tupelo, MS 38801. Representative: Fred W. Johnson, Jr., P.O. Box 22628, Jackson, MS 39205. Transporting (1) *kitchen and bathroom, cabinets, and vanities and (2) accessories for installation of commodities* in (1) from the facilities of Triangle Pacific Corporation, at or near McKinney, TX, to points in LA. (Hearing site: Dallas, TX, or Washington, DC.)

MC 133655 (Sub-193F), filed November 29, 1979. Applicant: TRANS-NATIONAL TRUCK, INC., P.O. Box 31300, Amarillo, TX 79120. Representative: Warren L. Troupe, 2480 E. Commercial Blvd., Fort Lauderdale, FL 33308. Transporting (1)(a) *self-propelled lawn and garden tractors, (2) lawn mowers and engines combined, and (3) snow throwers, and (b) parts, accessories, and attachments for commodities* in (a) and (2) *equipment, materials, and supplies* used

in the manufacture and distribution of the commodities named in (1) above, (A) between McDonough, GA, on the one hand, and, on the other, points in LA, AR, MO, KS, OK, and TX, and (B) between Ft. Worth, TX, on the one hand, and, on the other, points in the United States in and east of MN, IA, NE, KS, OK, and TX. (Hearing site: Chicago, IL.)

MC 133655 (Sub-194F), filed November 29, 1979. Applicant: TRANS-NATIONAL TRUCK, INC., P.O. Box 31300, Amarillo, TX 79120. Representative: Warren L. Troupe, 2480 E. Commercial Blvd., Fort Lauderdale, FL 33308. Transporting (1) *wire, wire products, fencing,* and *fencing material,* and (2) *equipment, materials and supplies* used in the manufacture and distribution of the commodities, in (1) above, between Van Buren, AR, on the one hand, and, on the other, points in AL, DE, GA, IL, IN, KS, KY, MD, MA, MI, MS, MO, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, and WV. (Hearing site: Chicago, IL.)

MC 135524 (Sub-32F), filed August 13, 1979. Applicant: G. F. TRUCKING CO., a Corporation, P.O. Box 229, 1028 West Rayen Ave., Youngstown, OH 44501. Representative: George Fedorisin, 914 Salts Springs Rd., Youngstown, OH 44509. Transporting *bituminous fibre pipe,* between the facilities of Bermico Company, at West Bend, WI, on the one hand, and, on the other hand, points in the United States in and east of MD, SD, NE, KS, OK, and TX. (Hearing site: Columbus, OH, or Milwaukee, WI.)

MC 133735 (Sub-10F), filed November 29, 1979. Applicant: AUDUBON TRANSPORT, INC., Wever, IA 52658. Representative: Richard D. Howe, 600 Bubbell Bldg., Des Moines, IA 50309. Transporting (1) *Caustic soda,* in bulk, in tank vehicles, (2) *Steepwater,* in bulk, in tank vehicles, (3) *Corn products,* in bulk, (1) From the facilities of North American Tank Terminal, at Lemont, IL, to the facilities of The Hubinger Company, at Keokuk, IA. (2) From the facilities of The Hubinger Company, at Keokuk, IA, to the facilities of Bristol-Myers at Syracuse, NY, (3) From the facilities of The Hubinger Company, at Keokuk, IA, to points in OH. (Hearing site: Des Moines, IA or Kansas City, MO.)

MC 136315 (Sub-98F), filed November 27, 1979. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 28, Philadelphia, MS 39350. Representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. Transporting (1) *fiberglass and building materials,* from the facilities of Elk Corporation of TX at or near Ennis, TX, to points in the United States in and east of TX, OK, KS, NE, SD, and ND, and (2) *materials, supplies and equipment* used in the manufacture, and distribution of the commodities in (1) in the reverse direction, restricted to the transportation of traffic originating at or destined to the facilities of Elk Corporation of TX. (Hearing site: Dallas, TX, or Washington, DC.)

MC 136605 (Sub-132F), filed August 26, 1979. Applicant: DAVIS BROS. DIST., INC., Post Office Box 8058, Missoula, MT 59807. Representative: Donald F. Walters (same address as applicant). Transporting *charcoal and charcoal briquettes, and materials, equipment, and supplies* used in the manufacture and distribution of charcoal and charcoal briquettes, between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Husy Ind., Inc.). (Hearing site: Denver, CO, or Billings, MT.)

MC 138054 (Sub-34F), filed November 28, 1979. Applicant: CONDOR CONTRACT CARRIERS, INC., 656 Wooster Street, Lodi, OH 44254. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting (1) *(a) Adhesives and (b) materials, equipment and supplies used in the installation of floor coverings* (except commodities in bulk), from the facilities of Adhesive Industries Mfg. Company at or near Dallas, TX and Cerritos, CA and MNI Adhesive Products, Inc. at or near Dallas, TX to points in the US (except AK and HI); and (2) *materials, equipment and supplies* used in the manufacture and distribution of commodities in (1) (except commodities in bulk), in the reverse direction, under continuing contract(s) with Adhesive Industries Mfg. Company of Cerritos, CA and MNI Adhesive Products, Inc. of Dallas, TX. (Hearing site: Los Angeles, CA.)

Note.—Dual operations are involved.

MC 139495 (Sub-499F), filed November 29, 1979. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Transporting *beverage and dessert preparations* (except in bulk, in tank vehicles), from the facilities of The Jel Sert Co., at or near West Chicago, IL, to point in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 140024 (Sub-162F), filed August 27, 1979. Applicant: J. B. MONTGOMERY, INC., 5565 East 22nd Ave., Commerce City, CO 80022. Representative: Don L. Bryce (same address as applicant). Transporting *zinc, zinc oxide, zinc dust, zinc dross, zinc residue, zinc skimmings, metallic cadium and lead sheets* (except in bulk), between the facilities of St. Joe Zinc Company in Josephtown (Potter Township, Beaver County) PA, on the one hand, and, on the other, points in MD, NJ, NY, CT, MA, RI, VA, DE, GA, IN, AL, KY and SC. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. § 11343(a) (1978) or submit an affidavit indicating why such approval is unnecessary. Affidavits are due 20 days from the date of publication. (Hearing site: Denver, CO, or Pittsburgh, PA.)

MC 140615 (Sub-50F), filed August 27, 1979. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1116, Wisconsin Rapids, WI 54494. Representative: Dennis C. Brown (same address as applicant). Transporting *foodstuffs,* from Arlington, Augusta, Bear Creek, Belgium, Cambria, Cleveland, Clyman, Durand, Eagle River, Eden, Fairwater, Fond du Lac, Galesville, Gillett, Fall River, Green Bay, Lodi, Lomira, Loyal, Manitowoc, Markesan, Marshfield, Mondovi, New Richmond, Oakfield, Pickett, Plover, Poynette, Pulaski, Random Lake, Reedsburg, Sauk City, Seymour, Sussex, and Theresa, WI, to points in the United States in and east of ND, SD, NE, CO, OK, and TX, restricted to the transportation of traffic originating at the facilities used by American Farms Cooperative, Inc. (Hearing site: Milwaukee, WI.)

MC 140635 (Sub-24F), filed November 28, 1979. Applicant: ADAMS LINES, INC., 2619 N. St., Omaha, NE 68107. Representative: John L. Hornung (same address as applicant). Transporting *paper and paper products, plastic and plastic products, and commodities* 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 named commodities (except in bulk), from Hodgkins and Shelbyville, IL to points in the United States in and east of CO, MT, NM, and WY. (Hearing site: Chicago, IL.)

MC 141124 (Sub-52F), filed September 13, 1979. Applicant: EVANGELIST COMMERCIAL CORPORATION, P.O. Box 15000, Wilmington, DE 19850. Representative: Boyd B. Ferris, 50 West Broad St., Columbus, OH 43215. Transporting *such commodities as are dealt in or used by retail department stores* (except in bulk), between points in Hudson County, NJ, and New York, NY, on the one hand, and, on the other, points in the United States, and between San Francisco and Los Angeles, CA,

Portland, OR, Seattle, WA, Denver, CO, Omaha, NE, Minneapolis and Saint Paul, MN, Milwaukee, WI, Chicago, IL, Detroit, MI, Indianapolis, IN, Cincinnati, Cleveland, and Columbus, OH, Dallas and Houston, TX, New Orleans, LA, Memphis, TN, Atlanta, GA, Jacksonville and Miami, FL, Charlotte, NC, Richmond, VA, Pittsburgh and Philadelphia, PA and Boston, MA, on the one hand, and, on the other, points in the United States (except AK, and HI). (Hearing site: Columbus, or Cincinnati, OH.)

MC 141124 (Sub-55F), filed November 27, 1979. Applicant: EVANGELIST COMMERCIAL CORPORATION, P.O. Box 15000, Wilmington, DE 19850. Representative: Boyd B. Ferris, 50 West Broad St., Columbus, OH 43215. Transporting *lumber and veneer, and commodities* used in the manufacture or distribution of, lumber and veneer between Winchester, KY, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Cincinnati, OH, or Louisville, KY.)

MC 141804 (Sub-297F), filed November 29, 1979. Applicant: WESTERN EXPRESS DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). Transporting *electrical and electronic appliances and equipment,* from Seattle and Tacoma, WA, to points in TX. (Hearing site: Los Angeles, CA.)

MC 141804 (Sub-305F), filed November 27, 1979. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). Transporting *foodstuffs,* from Chicago, IL to Phoenix, AZ, Chattanooga, TN, Lodi and Stockton, CA, and Dallas, TX. (Hearing site: Los Angeles, CA.)

MC 142864 (Sub-24F), filed August 14, 1979. Applicant: RAY E. BROWN TRUCKING, INC., P.O. Box 501, Massillion, OH 44646. Representative: Jerry B. Sellman, 50 West Broad St., Columbus, OH 43215. Transporting (1) *containers, container ends and closures,* (2) *commodities* manufactured or distributed by manufacturers and distributors of containers in mixed loads with containers, and (3) *materials, equipment and supplies* used in the manufacture and distribution of containers, container ends and closures (except in bulk), between Cranbury and Elizabeth, NJ, on the one hand, and, on the other points in PA, IL, IN, MI, OH, MN, and KY, restricted to the transportation of traffic originating at or destined to the facilities of Milton Can Company, Division of Van Dorn Company, at Cranbury and Elizabeth, NJ. (Hearing site: Columbus, OH, or Washington, DC.)

MC 143264 (Sub-6F), filed November 28, 1979. Applicant: DAIRY LEASING SERVICE, INC., 803 Herring Avenue, Wilson, NC 27893. Representative: Thomas N. Willess, 1000 Sixteenth Street, NW, Washington, DC 20036. *Contract carrier* transporting such *commodities as are dealt in by chain grocery and food business houses* (except in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, between points in AL, FL, GA, LA, MD, MS, NY, PA, SC, TN, VA, and WV, restricted to the transportation of traffic originating at or destined to the facilities of Kraft, Inc., under continuing contract(s) with Kraft, Inc. (Hearing site: Chicago, IL or Washington, DC.)

MC 143775 (Sub-105F), filed August 6, 1979. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. Transporting (1) *Polyster body filler, polishing and cleaning compounds, buffing pads and cleaning cloths, putty and paint* (except in bulk) and (2) *tools, parts and accessories* used in the repair of authomotive chassis, from Canton and Gnadenhatten, OH, to points in the United States in and west of MN, IA, MO, AR, LA (except AK and HI). (Hearing site: Phoenix, AZ.)

Note.—Dual operations may be involved.

MC 143775 (Sub-122F), filed November 28, 1979. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke (same address as applicant). Transporting *wheat germ meal and grain flour,* from Monticello, IL, Michigan City, IN and Carthage, MO, to Buena Park, GA, Portland, OR, Houston, TX, St. Louis, MO, Chicago, IL, Pittsburgh, PA, Atlanta, GA, Richmond, VA, Philadelphia PA, and New York, NY. (Hearing site: Washington, DC.)

Note.—Dual operations are involved.

MC 145904 (Sub-23F), filed November 29, 1979. Applicant: SOUTH WEST LEASING, INC., P.O. Box 152, Waterloo, IA 50704. Representative: Roger D. Herman (same address as applicant). Transporting *building materials* as described in Appendix VI to *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, from Chicago, IL to Cedar Rapids, IA, restricted to the transportation of traffic originating at the named origin and destined to the facilities used by Menard Cashway Lumber, at Cedar Rapids, IA. (Hearing site: Chicago, IL, or Kansas City, MO.)

MC 145974 (Sub-6F), filed November 27, 1979. Applicant: HIDATCO, INC., P.O. Box 356, New Town, ND 58763. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. *Contract carrier,* transporting *lumber and wood products,* from points in WA, OR ID and MT, and ports of entry on the International boundary line between the US and Canada in WA, ID and MT, to points in ND, SD and MN under continuing contract(s) with North Star Forest Materials Co., of St. Paul, MN.) (Hearing site: Minneapolis, MN.)

MC 146795 (Sub-1F), filed August 10, 1979. Applicant: M.E.F. DISTRIBUTORS, INCORPORATED, P.O. Box 3044, CRS West Side Industrial Part #2, Johnson City, TN 37601. Representative: Eckener Pandzic (same address as applicant). Transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in Hawkins, Sullivan, Johnson, Carter, Washington, Unicoi and Greene counties in TN, and Washington, Scott, Lee and Smyth counties, in VA, restricted to the transportation of traffic having a prior or subsequent movement by rail. (Hearing site: Johnson City or Knoxville, TN.)

MC 147414 (Sub-2F), filed November 28, 1979. Applicant: GARY REESE TRUCKING, Route 2, Albert City, IA 50510. Representative: D. Douglas Titus, Suite 510 Benson Bldg., Sioux City, IA 51101. Transporting *sand, gravel, ag-lime, aggregates, crushed stone, and road and dam building materials,* between points in SD on and east of US Hwy. 83 and points in IA on and west of US Hwy. 69. (Hearing site: Sioux City, IA, or Omaha, NE.)

MC 147585 (Sub-4F), filed November 27, 1979. Applicant: DICK WELLER, INC., Shoham Road. P.O. Box 313, Warehouse Point, CT 06088. Representative: Thomas W. Murrett, 342 North Main St., West Hartford, CT 06117. Transporting *Steel coils,* from Pittsburgh, Allentown, and McKeesport, PA, and Canfield and Masay, OH, to the facilities of the Wiremold Co., at Rocky Hill and West Hartford, CT. (Hearing site: Hartford, CT.)

MC 148085F, filed August 8, 1979. Applicant: M. LOWENSTEIN & SONS, INC., P.O. Box 10352, Rock Hill, SC 29730. Representative: Robert J. Gallagher, 1000 Connecticut Avenue, N.W., Suite 1200, Washington, DC 20036. Transporting *chemicals, dyes, colors and dye intermediates* (1) from New

York, NY, to Charleston and Rock Hill, SC, and (2) from Bayonne and Union, NJ, to Charleston and Rock Hill, SC, Atlanta and Dalton, GA. (Hearing site: Charleston, SC.)

MC 148085 (Sub-2F), filed August 26, 1979. Applicant: M. LOWENSTEIN & SONS, INC., P.O. Box 10352, Rock Hill, SC 29730. Representative: Robert J. Gallagher, 1000 Connecticut Avenue, N.W., Suite 1200, Washington, DC 20036. Transporting *electric appliances, ice cream freezers, mailbox kits, knife sets, tennis sets, soccer balls, electric and hand tools, hand and power tools, silverware and tableware,* from points in MA, NJ, VA, NY, MD, and CT to Rock Hill, SC. (Hearing site: Charleston, SC.)

MC 148114F, filed August 8, 1979. Applicant: E. S. MARTINS TRUCKING INC., R. D. #4, Box 334, Hanover, PA 17331. Representative: Robert O. Beers, 145 East Market St., York, PA 17401. Transporting *snack foods,* from points in PA, to points in MD, VA, NC, SC, GA, FL, NJ, NY, OH, CT, and DC. (Hearing site: Harrisburg, PA, or Baltimore, MD.)

MC 148115F, filed August 13, 1979. Applicant: A NU TRANSFER, INC., 2929 N.W. 73rd St., Miami, FL 33147. Representative: Bruce E. Mitchell, 3390 Peachtree Road, N.E., Atlanta, GA 30326. Transporting *general commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, articles of unusual value and those requiring special equipment), between points in Broward, Dade and Palm Beach Counties, FL, restricted to the transportation of traffic having an immediately prior or subsequent movement by water. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. 11343(a) (1978) or submit an affidavit indicating why such approval is unnecessary. Affidavits are due 20 days from the date of publication. (Hearing site: Miami, FL, or Atlanta, GA.)

MC 148184 (Sub-2F), filed November 28, 1979. Applicant: SUMMIT TRUCK LINES, INC., 218 North 23rd St., Coeur d'Alene, ID 83814. Representative: Michael D. Duppenthaler, 211 South Washington St., Seattle, WA 98104. Transporting *meats, meat products, meat byproducts, articles distributed by meat-packinghouses, and such commodities as are used by meat packers in the conduct of their business,* when destined to and for use by meat packers as defined in Sections A, C, and D of Appendix I to the Commission's Report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), between the facilities of Lauridsen Foods, Inc., at or near Britt, IA, and the facilities of Armour and Company, at or near Mason City, IA, on the one hand, and, on the other, points in IL, TX, KY, MI, MN, WI, OH, PA, NY, NJ, MD, VA, NC, SC, FL, WA, OR and CA. (Hearing site: Seattle, WA, or Phoenix, AZ.)

MC 148345 (Sub-2F), filed November 29, 1979. Applicant: H & S PACKAGE DELIVERY, INC., 3620 Bullock Rd., Medford, OR 7501. Representative: Jo Ann Robinson (same address as applicant). Transporting (1) *general commodities* (except classes A and B explosives), between Medford, OR, on the one hand, and, on the other, points in Jackson, Josephine, Douglas, and Klamath Counties, OR, restricted to the transportation of traffic having a prior or subsequent movement by air freight and (2) *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and machinery in packages not exceeding 1,000 pounds a package) from Klamath Falls, OR, to points in Klamath County, OR. (Hearing site: Medford, OR.)

MC 148954F, filed November 30, 1979. Applicant: PAL TRANSPORTATION, INC., 556 Forest Road, Orange, CT 06477. Representative: William J. Meuser, 86 Cherry Street, P.O. Box 507, Milford, CT 06460. *Contract carrier,* transporting *plastic articles and materials equipment and supplies* used in manufacture and distribution of plastic articles, between the facilities of Owens-Illinois, Inc. at or near Milford, CT, and Newburyport, MA, on the one hand, and, on the other, points in RI, MA, NH, NJ, and those in NY east of the Hudson River under continuing contract(s) with Owens-Illinois, Inc., Plastic Products Division, of Toledo, OH. (Hearing site: Hartford, CT or New York, NY.)

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Decided: Feb. 14, 1980

By the Commission, Review Board Number 2, Members Eaton, Liberman and Jensen. Member Jensen not participating.

MC 1824 (Sub-113F), filed November 16, 1979. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Blvd., Preston, MD 21655. Representative: Charles S. Perry (same address as applicant). Transporting *foodstuffs,* in vehicles equipped with mechanical refrigeration, between the facilities of Equity Meat Corporation, at Folcroft, PA, and points in NC. (Hearing site: Washington, DC.)

MC 1824 (Sub-114F), filed November 16, 1979. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Blvd., Preston, MD 21655. Representative: Charles S. Perry (same address as applicant). Transporting (1) *flat glass,* in containers, from Kebert Park, PA, to Baltimore, MD, Philadelphia, PA, and New York, NY, restricted to the transportation of traffic having a subsequent movement by water, and (2) *empty containers,* from Baltimore, MD, Philadelphia, PA, New York, NY, Cleveland, OH, and Pittsburgh, PA, to Kebert Park, PA. (Hearing site: Washington, DC.)

MC 4405 (Sub-618F), filed November 16, 1979. Applicant: DEALERS TRANSIT, INC., P.O. Box 236, Tulsa, OK 74101. Representative: Machael E. Miller, 502 First National Bank Bldg., Fargo, ND 58126. Transporting (1) *such commodities* as are dealt in or used by manufacturers of agricultural equipment and industrial equipment (except paper, paper products and commodities in bulk), from Tifton, GA, to points in the United States (except AK, and HI); and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities named in (1) above, in the reverse direction. (Hearing site: Atlanta, GA.)

MC 14314 (Sub-37F), filed November 16, 1979. Applicant: DUFF TRUCK LINE, INC., P.O. Box 359, Lima, OH 45802. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. Transporting *general commodities,* (except those of unusual value, classes A and B explosives, commodities in bulk, and those requiring special equipment), serving Owensboro, KY, an an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Columbus, OH.)

MC 61825 (Sub-118F), filed November 16, 1979. Applicant: ROY STONE TRANSFER CORPORATION, V. C. Drive, Post Office Box 385, Collinsville, VA 24078. Representative: John D. Stone (same address as applicant). Transporting *microfoam articles,* from Wurtland, KY, to points in CT, DE, MD, NJ, NY, PA, SC, WV, and DC. (Hearing site: Washington, DC.)

MC 69224 (Sub-50F), filed November 15, 1979. Applicant: H & W MOTOR EXPRESS COMPANY, a corporation, 3000 Elm St., Dubuque, IA 52001. Representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, MN 55102. Transporting *polyethylene film,* from Manchester, IA, to points in Racine, Waukesah, Milwaukee, Washington and Ozaukee Counties, WI. (Hearing site: Des Moines, IA.)

Note.—Applicant intends to join the authority sought at Manchester with its existing regular-route authority so as to

provide a direct service between presently certificated points in MN, WI, IL, and IA, and the destination points now sought to be served.

MC 69224 (Sub-51F), filed November 15, 1979. Applicant: H & W MOTOR EXPRESS COMPANY, a corporation, 3000 Elm St., Dubuque, IA 52001. Representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, MN 55102. Over regular routes, transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment), between Davenport, IA, and Peoria, IL, over Interstate Hwy 74, serving all intermediate points. (Hearing site: Davenport, IA.)

MC 105045 (Sub-132F), filed November 16, 1979. Applicant: R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania St., Evansville, IN 47701. Representative: Richard C. McGinnis, 711 Washington Bldg., Washington, DC 20005. Transporting (1) *cast iron hydrants* and *valves;* and (2) *parts, attachments* and *accessories* for the commodities named in (1) above, from Beaumont, TX, to those points in the United States in and east of TX, OK, KS, NE, IA, and MN. (Hearing site: Houston TX, or Washington, DC.)

MC 105045 (Sub-133F), filed November 16, 1979. Applicant: R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania St., Evansville, IN 47701. Representative: Richard C. McGinnis, 711 Washington Bldg., Washington, DC 20005. Transporting (1) *steel poles,* and (2) *parts* and *accessories* for steel poles, from the facilities of Power Enterprises, Inc., in Plaquemines Parish, LA, to points in the United States (except AK, and HI). (Hearing site: New Orleans, LA.)

MC 107064 (Sub-140F), filed November 15, 1979. Applicant: STEERE TANK LINES, INC., Post Office Box 220998, Dallas, TX 75222. Representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, TX 75201. Transporting *nitrogen compounds,* in bags, from points in Eddy County, NM, to points in the United States (except AK, and HI). (Hearing site: Dallas, TX.)

MC 107445 (Sub-28F), filed November 19, 1979. Applicant: UNDERWOOD MACHINERY TRANSPORT, INC., 940 W. Troy Ave., Indianapolis, IN 46225. Representative: K. Clay Smith, P.O. Box 33501, Indianapolis, IN 46203. Transporting (1) *environmental chambers,* and (2) *materials, equipment, and supplies* used in the operation, maintenance, and repair of environmental chambers, between the facilities of Webber Manufacturing Company, Inc., at Indianapolis, IN, on the one hand, and, on the other, points in the United States (including AK, but excluding HI). (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 111375 (Sub-121F), filed November 16, 1979. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., P.O. Box 3358, Madison, WI 53704. Representative: Elaine M. Conway, 10 South LaSalle St., Suite 1600, Chicago, IL 60603. Transporting *inedible beef products and inedible animal offal products,* from Boise, ID, and Greeley, CO, to Jefferson, WI. (Hearing site: Chicago, IL.)

MC 111375 (Sub-122F), filed November 16, 1979. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., P.O. Box 3358, Madison, WI 53704. Representative: Elaine M. Conway, 10 South LaSalle St., Suite 1600, Chicago, IL 60603. Transporting *washers and gaskets,* from Milwaukee, WI, to points in OR. (Hearing site: Chicago, IL.)

MC 114604 (Sub-95F), filed November 16, 1979. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer I, Forest Park, GA 30050. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd., NE., Atlanta, GA 30326. Transporting *meats, meat products, meat by-products,* and *articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of John Morrell & Co., at or near Memphis, TN, to points in AR, AL, DC, FL, GA, IL, IN, KY, LA, MO, MS, MD, NC, SC, TX, VA, and WV, restricted to the transportation of traffic originating at the named origin facilities. (Hearing site: Atlanta, GA.)

MC 114604 (Sub-96F), filed November 16, 1979. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer I, Forest Park, GA 30050. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd., NE., Atlanta, GA 30326. Transporting *meats, meat products, meat by-products,* and *articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of John Morrell & Co., at or near (a) Amarillo, El Paso, and Lubbock, TX, and (b) Shreveport, LA, to points in AL, AR, FL, GA, IL, KY, LA, MS, NC, OH, IN, SC, TN, TX, VA, and WV, restricted to the transportation of traffic originating at the named origin facilities. (Hearing site: Altanta, GA.)

MC 114604 (Sub-97F), filed November 16, 1979. Applicant: CAUDELL TRANSPORT, INC., P.O. Box Drawer I, Forest Park, GA 30050. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd. NE, Atlanta, GA 30326. Transporting (1) *foodstuffs* (except frozen or in bulk), from Brundidge, AL, to points in FL, GA, SC, NC, TN, MS, and LA, and, (2) *materials, equipment* and *supplies* used in the manufacture or distribution of foodstuffs (except frozen or in bulk), in the reverse direction. (Hearing site: Atlanta, GA.)

MC 114604 (Sub-98F), filed November 16, 1979. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer I, Forest Park, GA 30050. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd. NE., Atlanta; GA 30326. Transporting *meat, meat products,* and *meat by-products, dairy products,* and *articles distributed by meat packinghouses,* as described in Sections A, B, and C of Appendix I to the report in *Description in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Swith & Company, at or near Cactus, and Ft. Worth, TX, to points in AL, FL, GA, MS, NC, SC, and TN. (Hearing site: Atlanta, GA.)

MC 114604 (Sub-99F), filed November 16, 1979. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer I, Forest Park, GA 30050. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd. NE., Atlanta, GA 30326. Transporting *frozen pies,* from the facilities of Edwards Baking Co., at or near Atlanta, GA, to points in AL, AR, FL, GA, IL, IN, KY, LA, MS, MO, NC, OH, SC, TN, VA, and WV. (Hearing site: Atlanta, GA.)

MC 114604 (Sub-100F), filed November 16, 1979. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer I, Forest Park, GA 30050. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd. NE., Atlanta; GA 30326. Transporting *such commodities* as are dealt in by grocery and food business houses (except commodities in bulk, in tank vehicles), from the facilities of Geo. A. Hormel & Co., at or near Tucker, GA, to points in TX, LA, MS, FL, TN, and KY. (Hearing site: Atlanta, GA.)

MC 114604 (Sub-101F), filed November 16, 1979. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer I, Forest Park, GA 30050. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd. NE., Atlanta; GA 30326. Transporting *frozen foodstuffs,* from the facilities of Southern Frozen Foods, Division of Seabrook Foods, Inc., at or near Montezuma, GA, to points in AR, DC, IL, IN, KY, LA, MS, MI, MD, MO,

OH, TX, VA, WV, and TN (except Chattanooga), and, those points in FL in and south of Citrus Sumter, Lake, and Volusia Counties. (Hearing site: Atlanta, GA.)

MC 114604 (Sub-102F), filed November 16, 1979. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer I, Forest Park, GA 30050. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd. NE., Atlanta, GA 30326. Transporting *preserved foodstuffs* (except in bulk), between the facilities of National Fruit Products Co., Inc., at or near (a) Martinsburg, WV, (b) Winchester and Timberville, VA, and (c) Lincolnton, NC; and (2) from the facilities named in (1) above to points in AL, FL, GA, LA, MS, NC, TN, SC, and VA. (Hearing site: Atlanta, GA.)

MC 115724 (Sub-8F), filed November 16, 1979. Applicant: J.W. PHILLIPS, INC., P.O. Box 18493, Oklahoma City, OK 73154. Representative: Donald L. Walker (same address as applicant). *Contract carrier* transporting (1) (a) *road construction machinery and equipment,* as defined by the Commission in Appendix VIII to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, and *asphalt mixing plants,* and (b) *equipment, parts, attachments and accessories* for commodities in (1)(a), from the facilities of CMI Corporation, at or near Oklahoma City, OK, to points in the United States (except AK, and HI), and (2) *materials, equipment and supplies* used in the manufacture and/or distribution of the commodities in (1) above (except commodities in bulk), in the reverse direction, under continuing contract(s) in (1) and (2) with CMI Corporation, of Oklahoma City, OK. (Hearing site: Oklahoma City, OK, or Dallas, TX.)

MC 120675 (Sub-12F), filed November 19, 1979. Applicant: ACME TRUCK LINE, INC., 2855 Lapalco Blvd., P.O. Box 183, Harvey, LA 70059. Representative: Paul D. Angenend, P.O. Box 2207, Austin, TX 78768. Transporting *iron* and *steel articles,* from Baytown, TX, to points in AL, AR, FL, GA, LA, MS, and TN. (Hearing site: New Orleans, LA, or Houston, TX.)

MC 124154 (Sub-98F), filed November 16, 1979. Applicant: WINGATE TRUCKING COMPANY, INC., P.O. Box 645, Albany, AL 31702. Representative: W. D. Wingate (same address as applicant). Transporting (1) *chemicals,* and (2) *materials and supplies* used in the manufacture of chemicals, between Albany, Atlanta, Augusta, Bainbridge, Brunswick, Columbus, Macon, Moultrie, Savannah, Tifton, and Valdosta, GA, Birmingham, Dothan, Huntsville, Mobile, Monroeville, and Montgomery, AL, Jacksonville, Lake City, Panama City, and Perry, FL, and points in Jefferson County, FL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Tallahassee, FL, or Washington, DC.)

MC 126255 (Sub-8F), filed November 16, 1979. Applicant: BUTLER-JONES AIR FREIGHT, INC., Salisbury-Wicomico Airport, P.O. Box 1964, Salisbury, MD 21801. Representative: Peter A. Greene, 900 17th St. NW., Washington, DC 20006. 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 Philadelphia, PA, on the one hand, and, on the other, Norfolk and Newport News, VA, restricted to the transportation of traffic having a prior or subsequent movement by air. (Hearing site: Washington, DC, or Philadelphia, PA.)

MC 126904 (Sub-36F), filed November 16, 1979. Applicant: H.C. PARRISH TRUCK SERVICE, INC. Rural Route 2, P.O. Box 264, Freeburg, IL 62243. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107. Transporting *malt beverages,* between Frankenmuth, MI, and Belleville, IL. (Hearing site: St. Louis, MO.)

MC 134755 (Sub-214F), filed November 16, 1979. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, MO 65804. Representative: Larry d. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting *foodstuffs* (except commodities in bulk), from Johnson City, NY, and Philadelphia and Pittsburgh, PA, to points in the United States (except AK, HI, NY, and PA). (Hearing site: Kansas City, MO.)

Note: Dual operations may be involved.

MC 135924 (Sub-18F), filed November 16, 1979. Applicant: SIMONS TRUCKING CO., INC., 3851 River Rd., Grand Rapids, MN 55744. Representative: Samuel Rubenstein, Post Office Box 5, Minneapolis, MN 55440. Transporting *hardboard, particle board, plywood and plastic articles,* from the facilities used by abitibi Corporation, (a) in Wilkes County, NC, and (b) at Blountstown, FL, to those points in the United States in and east of ND, SD, NE, CO, and NM. (Hearing site: Minneapolis, or St. Paul, MN.)

MC 135924 (Sub-19F), filed November 16, 1979. Applicant: SIMONS TRUCKING CO., INC., 3851 River Rd., Grand Rapids, MN 55744. Representative: Samuel Rubenstein, Post Office Box 5, Minneapolis, MN 55440. Transporting *hardboard, particle board, plywood and plastic articles,* from the facilities used by abitibi Corporation, in Lucas County, OH, to those points in the United States in and east of ND, SD, NE, CO, and NM. (Hearing site: Minneapolis, or St. Paul, MN.)

MC 135924 (Sub-20F), filed November 16, 1979. Applicant: SIMONS TRUCKING CO., INC., 3851 River Rd., Grand Rapids, MN 55744. Representative: Samuel Rubenstein, Post Office Box 5, Minneapolis, MN 55440. Transporting *hardboard, particle board, plywood and plastic articles,* from the facilities used by abitibi Corporation, at Alpena, MI, to those points in the United States in and east of ND, SD, NE, CO, and NM. (Hearing site: Minneapolis, or St. Paul, MN.)

MC 136635 (Sub-28F), filed November 15, 1979. Applicant: UNIVERSAL CARTAGE, INC., 640 W. Ireland Rd. South Bend, IN 46680. Representative: Donald W. Smith, P.O. Box 40148, Indianapolis, IN 46240. Transporting *clay products and clay cat litter,* from Ochlocknee, GA, to points in IL, IN, KY, MI, OH, PA, VA, WV, and WI. (hearing site: Atlanta, GA.)

MC 138635 (Sub-100F), filed November 15, 1979. Applicant: CAROLINA WESTERN EXPRESS, INC., P.O. Box 3995, Gastonia, NC 28052. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687. Transporting *materials, equipment, and supplies* used in the manufacture and distribution of trucks and truck tractors, (1) from points in CA, OR, and WA, to Madison, TN, and Denton, TX, and (2) between Madison, TN, on the one hand, and, on the other, Denton, TX, restricted in (1) and (2) to traffic originating at or destined to the facilities of Peterbilt Motors Company. (Hearing site: Nashville, TN, or Charlotte, NC.)

MC 140484 (Sub-66F), filed November 14, 1979. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, Fort Myers, FL 33902. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St., NW, Washington, DC 20005. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in the United States (except AK, and HI). (Hearing site: Cleveland, OH, or Washington, DC.).

MC 140615 (Sub-55F), filed November 16, 1979. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1116, Wisconsin Rapids, WI 54494. Representative: Dennis C. Brown (same

address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), when moving under bills of lading of freight forwarders as defined in 49 U.S.C. § 10102(8), from Chicago, IL, Philadelphia, PA, and Hoboken, NJ, to those points in the United States in and east of ND, SD, NE, CO, OK, and TX. (Hearing site: Philadelphia, PA.)

MC 140615 (Sub-54F), filed November 16, 1979. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1116, Wisconsin Rapids, WI 54494. Representative: Dennis C. Brown (same address as applicant). Transporting *foodstuffs,* from Plover, WI, to those points in the United States in and east of ND, SD, NE, CO, OK, and TX. (Hearing site: Milwaukee, WI.)

MC 140635 (Sub-23F), filed November 15, 1979. Applicant: ADAMS LINES, INC., 2619 N. St., Omaha, NE 68107. Representative: John L. Hornung (same address as applicant). Transporting (1) *plumbing goods,* (2) *bathroom vanities,* and *accessories* for bathroom vanities, and (3) *equipment, materials, and supplies* used in the manufacture and distribution of the commodities named in (1) and (2) above (except commodities in bulk), between Phoenix, AZ, Redlands, CA, Union Point and Monroe, GA, Rennsselaer, and Crawfordsville, IN, Leominister, MA, Ottumwa, IA, Salem, OH, New Castle, PA, Hondo and Corsicana, TX, and Milwaukee, WI, on the one hand, and, on the other, points in the United States (except AK, and HI), restricted to the transportation of traffic originating at or destined to the facilities of Universal-Rundle Corporation. (Hearing site: Pittsburgh, PA.)

MC 141804 (Sub-295F), filed November 16, 1979. Applicant: WESTERN EXPRESS, Division of Interstate Rental, Inc., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). Transporting (1) *insulating materials* and (2) *materials and supplies* used in the manufacture of insulating materials, from points in CA, to points in OR, WA, ID, NV, UT, AZ, NM, TX, CO, WY, and MT. (Hearing site: Los Angeles, CA.)

MC 141804 (Sub-302F), filed November 16, 1979. Applicant: WESTERN EXPRESS, Division of Interstate Rental, Inc., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). Transporting *bicycles* and *bicycle parts,* from Azusa, City of Industry, and Torrance, CA, to points in OR and WA, restricted to the transportation of traffic originating at the facilities of the Huffy Corporation. (Hearing site: Los Angeles, Ca.)

MC 142364 (Sub-25F), filed November 16, 1979. 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. Transporting *canned foodstuffs,* from Alma, Ft. Smith, and Van Buren, AR, points in IL, IN, KY, MO, OH, and TX. (Hearing site: Ft. Smith, AR, or Tulsa, OK.)

MC 143775 (Sub-121F), filed November 16, 1979. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301 Representative: Michael R. Burke (same address as applicant). Transporting (1) *ice making machines; cooling equipment and supplies, and freezers;* and (2) *parts and accessories* used in the manufacture and distribution of the commodities in (1) above, from Easton and Erie, PA, Spirit Lake, IA, Louisville, KY, and Denton, TX, to points in WA, OR, NV, AZ, and CA. (Hearing site: Los Angeles, CA, or San Francisco, CA.)

Note.—Dual operations may be involved.

MC 143775 (Sub-125F), filed November 16, 1979. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301 Representative: Michael R. Burke (same address as applicant). Transporting *expanded foam plastics, and materials or supplies* used in the manufacture of expanded foam plastics, from Ft. Wayne, IN, Eddystone, PA, Hyannis, MA, Hazelton, PA, and Rutherford, NJ, to points in Los Angeles County, CA. (Hearing site: Los Angeles, CA, or San Francisco, CA.)

Note.—Dual operations may be involved.

MC 143775 (Sub-126F), filed November 16, 1979. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke (same address as applicant). Transporting (1) *automotive and industrial service equipment,* and (2) *supplies and materials* used in the maintenance of the commodities in (1) above, from San Diego, CA, to points in the United States (except AK, and HI). (Hearing site: Los Angeles, CA, or San Francisco, CA.)

Note.—Dual operations may be involved.

MC 144715 (Sub-8F), filed November 19, 1979. Applicant: ANDERSON & WEBB TRUCKING CO., INC., P.O. Box 1523, 542 West Independence Blvd., Mt. Airy, NC 20703. Representative: Eric Meierhoefer, Suite 423 1511 K St., NW, Washington, DC 20005. Transporting *malt beverages,* from Williamsburg, VA, and Jacksonville, FL, to North Wilkesboro, NC. (Hearing site: Charlotte, NC.)

MC 146814 (Sub-7F), filed November 15, 1979. Applicant: VAN WYK, INC., C Street, Box 433, Sheldon, IA 51201. Representative: Edward A. O'Donnell, 1004 29th St., Sioux City, IA 51104. Transporting *meats, meat products, meat by-products, and articles distributed by meat packinghouses,* as described 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 Hawarden of Iowa, Inc., at or near Hawarden, IA, to points in KS, MN, MO, NE, SD, and WI, restricted except for movements in foreign commerce, to the transportation of traffic originating at the named facilities and destined to the named destination states. (Hearing site: Omaha, NE.)

Note.—Dual operations may be involved.

MC 148005 (Sub-2F), filed November 16, 1979. Applicant: SAN'S TRUCKING COMPANY, INC., P.O. Box 1004, Chico, CA 95927. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. *Contract carrier,* transporting *foodstuffs,* (a) from the facilities of Chico-San, Inc. at Chico, CA, to points in the United States (except AK, and HI), and (b) from the facilities of Erewhon, Inc., at Cambridge, MA, to points in AZ, CA, CO, IL, IN, TN, and TX, under continuing contract(s) with Chico-San, Inc., of Chico, CA, in (a) above, and with Erewhon, Inc., in (b) above, of Cambridge, MA. (Hearing site: Chicago, IL, or San Francisco, CA.)

MC 148034 (Sub-2F), filed November 16, 1979. Applicant: EDWARD C. LOTT, INC., 2338 Slaterville Rd., Ithaca, NY 14850. Representative: S. Michael Richards, P.O. Box 225, Webster, NY 14580. *Contract carrier* transporting (1) *foodstuffs and animal feed* (except commodities in bulk), and (2) *materials, supplies, and equipment* used in the manufacture, packaging, and distribution of the commodities in (1) above (except commodities in bulk), between Friendship, NY, on the one hand, and, on the other, New York City, NY, and points in MA, PA, and NJ, under continuing contract(s) with Friendship Dairies, Inc., of Queens, NY. (Hearing site: Buffalo, or Rochester, NY.)

MC 148164 (Sub-2F), filed November 16, 1979. Applicant: JESSE MILLER TRUCKING CO., INC., 13000 Overlook Rd., Anoka, MN 55303. Representative: Earl Hacking, 1700 New Brighton Blvd., Minneapolis, MN 55413. Transporting *waste sludge,* in bulk, in dump vehicles, from St. Paul, MN to points in WI.

(Hearing site: Minneapolis, or St. Paul, MN.)

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Decided: Feb. 20, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 1515 (Sub-272F), filed August 28, 1979. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077. Representative: Lat J. Celmins (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *passengers and their baggage*, and express and newspapers, in the same vehicle with passengers, (1) between Newport News, VA, and Richmond, VA, over Interstate Hwy 64, serving all intermediate points: (2) between junction Interstate Hwy 64 and U.S. Hwy 11 north of Lexington, VA, and junction Interstate Hwy 64 and U.S. Hwy 60, at or near Sam Black Church, WV, over Interstate Hwy 64, serving all intermediate points: in conjunction with the above request for authority Applicant proposes to abandon a portion of its authority as contained in Greyhound Lines, Inc.'s Certificate No. MC 1501 Sub 172 (renumbered MC 1515 Sub 8 not yet reissued), Sheet 1, First Paragraph as follows: From Lexington, VA over U.S. Hwy 60 to Clifton Forge, VA, and return over the same route. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. § 11343(a) (1978) or submit an affidavit indicating why such approval is unnecessary. Affidavits are due 20 days from the date of publication. (Hearing site: Richmond or Lexington, VA.)

MC 1934 (Sub-42F), filed August 17, 1979. Applicant: THE ARROW LINE, INC., 105 Cherry St., East Hartford, CT 06108. Representative: Dominick T. Bisesti (same address as applicant). Transporting *passengers and their baggage*, in the same vehicle with passengers, in round-trip, special operations, beginning and ending at East Hartford, Hartford, and West Hartford, CT, and extending to the Yankee Stadium at New York, NY, and Fenway Park at Boston, MA. (Hearing site: Hartford, CT.)

MC 4024 (Sub-11F), filed August 23, 1979. Applicant: HORN TRUCKING CO., a corporation, 300 Schmetter Rd., Highland, IL 62249. Representative: Edward D. McNamara, Jr., 907 South Fourth Street, Springfield, IL 62703. Transporting *building materials*, from the facilities of Flintkote Company at or near Chicago Heights, IL, to points in MO. (Hearing site: Springfield, IL, or St. Louis, MO.)

MC 14215 (Sub-77F), filed November 1, 1979. Applicant: SMITH TRUCK SERVICE, INC., P.O. Box 1329, Steubenville, OH 43952. Representative: John L. Alden, 1396 West Fifth Avenue, P.O. Box 12241, Columbus, OH 43212. Transporting *lime and limestone products*, (except in bulk, in tank vehicles), between Manistee, MI, and Woodville, OH, on the one hand, and, on the other, points in IL, IN, KY, MI, OH, PA, and WV. (Hearing site: Columbus, OH, or Washington, DC.)

MC 22195 (Sub-180F), filed November 1, 1979. Applicant: DAN DUGAN TRANSPORT COMPANY, a corporation, 41st and Grange Ave., Sioux Falls, SD 57105. Representative: F. Fred Fischer (same address as applicant). Transporting *cement*, from the facilities of the South Dakota Cement Plant, at or near Rapid City, SD, to points in MT, WY, NE, and CO. (Hearing site: Rapid City, or Sioux Falls, SD.)

MC 31675 (Sub-24F), filed July 11, 1979. Applicant: NORTHERN FREIGHT LINES, INC., Box 34303, Charlotte, NC 28234. Representative: Garland V. Moore (same address as applicant). Transporting (1)(a) *pipe and pipe fittings*, from the facilities of Charlotte Pipe and Foundry Company, at Charlotte and Bakers, NC, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX, (2) *iron and steel articles*, (a) from the facilities of Southwestern Ohio Steel, Inc., in Butler County, OH, to points in AL, AR, FL, GA, IL, IN, KY, LA, MI, MO, MS, NC, SC, TN, VA, and WV, and (b) from Brookville, PA, to Spartanburg, SC, and (3) *fibreboard boxes* and *non-corrugated boxes*, from Stone Mountain, GA, to those points in NC east of a line beginning at the NC-SC State line, then along U.S. Hwy 601 to junction NC Hwy 27, then along NC Hwy 27 to Carthage, NC, then along U.S. Hwy 15 to junction U.S. Hwy 1, then along U.S. Hwy 1 to the NC-VA State line. (Hearing site: Charlotte, NC, or Washington, DC.)

MC 102285 (Sub-4F), filed August 24, 1979. Applicant: MIAMI TRANSFER CO., INC., 10340 Northwest 37 Ave., Miami, FL 33147. Representative: John T. Bond, Suite 410, Hollywood Federal Bldg., 909 S. State Road 7, Hollywood, FL 33023. Transporting *general commodities* (except commodities of unusual value, classes A and B explosives, commodities in bulk and commodities requiring mechanical refrigeration), in containers and in trailers, (1) between points in FL, and (2) from points in FL, to Charleston, SC, Savannah, GA, Mobile, AL, restricted to the transportation of traffic having a prior or subsequent movement by water. (Hearing site: Miami, FL.)

MC 110525 (Sub-1311F), filed August 27, 1979. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Ave., Downingtown, PA 19335. Representative: Thomas J. O'Brien (same address as applicant). Transporting *chemicals* and *petroleum products*, in bulk, in tank vehicles, between Ludington, MI, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Detroit, MI.)

MC 117415 (Sub-4F), filed August 13, 1979. Applicant: JENSEN TRUCKING COMPANY, INC., P.O. Box 402, American Fork, UT 84003. Representative: Jack L. Jensen, P.O. Box 402, American Fork, UT 84003. Transporting *steel and prefabricated steel buildings*, from Spanish Fork, UT, to TX, NM, CO, WY, MT, NV, AZ, CA, WA, OR, ID. (Hearing site: Salt Lake City, UT.)

Note.—Dual operations may be involved.

MC 117574 (Sub-339F), filed September 26, 1979. Applicant: DAILY EXPRESS, INC., P.O. Box 39, 1076 Harrisburg Pike, Carlisle, PA 17013. Representative: E. S. Moore, Jr. (same address as applicant). Transporting (1) *Cooling equipment* and *parts* for cooling equipment, (2) *Materials, equipment and supplies* (except in bulk) used in the manufacture and distribution of the commodities named in (1) above, between points in the United States (except AK and HI), restricted to the transportation of traffic originating at the named facilities and destined to the named destinations. (Hearing site: Dallas, TX, or New Orleans, LA.)

MC 119234 (Sub-4F), filed September 24, 1979. Applicant: MERCER MARINE TRANSIT CORP., P.O. Box 368-Belwood Rd., Calhoun, GA 31701. Representative: Kim G. Meyer, P.O. Box 56387, Atlanta, GA 30343. Transporting (1) *truck transmit mixers*, and (2) *materials, equipment and supplies* used in the manufacture and distribution of truck transit mixers, between the facilities of Challenge-Cook Bros. of Georgia, Inc., at or near (a) Calhoun, GA, (b) Bryan, OH, and (c) Industry, CA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Atlanta, GA.)

MC 123254 (Sub-6F), filed August 13, 1979. Applicant: ALBERT PITZER AND JANE PITZER, d.b.a. PITZER BROTHERS, P.O. Box 633, Jeannette, PA 15644. Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K

Street, N.W., Washington, DC 20005. Transporting (1) *malt beverages* from the facilities of Jos. Schlitz Brewing Company, at Winston-Salem, NC, to those points in PA on and west of U.S. Hwy 15, and (2) *used malt beverage containers, in the reverse direction.* (Hearing site: Pittsburgh, PA.)

MC 123685 (Sub-30F), filed August 13, 1979. Applicant: PEOPLES CARTAGE, INC., 8045 Navarre Road, S.W., Massillon, OH 44646. Representative: Boyd B. Ferris, 50 West Broad St., Columbus, OH 43215. Transporting *such commodities,* as are dealt in or used by manufacturers and distributors of salt and salt products, and plastic and plastic products, between Massillon, OH, and points in Tuscarawas County, OH, on the one hand, and, on the other, points in IN, IL, MD, KY, MI, NJ, NY, PA, TN, VA, WV, OH, and DC. (Hearing site: Cleveland, OH, or Washington, DC.)

MC 124025 (Sub-16F), filed October 1, 1979. Applicant: GLASS TRUCKING COMPANY (a Corporation), P.O. Box 276, Newkirk, OK 74647. Representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. To operate as a *Contract Carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *flour,* in bulk, from Blackwell, OK, to Joplin, MO, under continuing contract(s) with International Multifoods Corporation, of Minneapolis, MN. (Hearing site: Oklahoma City, OK.)

MC 128095 (Sub-36F), filed September 13, 1979. Applicant: IBCO TRUCK LINE, INC., Senter Drive P.O. Box 1402, Tupelo, MS 38801. Representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. Transporting (1) *polyethylene foam,* from Pontotoc, MS, to points in AL, AR, CA, CO, FL, GA, IL, IN, IA, KS, KY, LA, MN, MO, NC, OH, OK, PA, SC, TN, TX, WA, and WI, (2) *gussett bags, padded bags, macerated pads, sleeve pads and cellulose wadding,* from Salem, IL, and Granite Falls and High Point, NC, to Pontotoc, MS, and (3) *polyethylene foam* from Hanover, PA, to Pontotoc, MS. (Hearing site: Washington, DC, or Jackson, MS.)

MC 133095 (Sub-272F), filed September 24, 1979. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, TX 76039. Representative: Ron Duncan (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), from points in TX to points in MS. (Hearing site: Dallas, TX.)

MC 133194 (Sub-13F), filed September 10, 1979. Applicant: WOODLINE MOTOR FREIGHT, INC., Airport Rd., Russellville, AR 72801. Representative: Scotty D. Douthit, Sr., P.O. Box 1047, Russellville, AR 72801. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) (1) between Morrilton and Center Ridge, AR, over AR Hwy 9, serving all intermediate points, and (2) between Menifee and Vilonia, AR, from Menifee, over Interstate Hwy 40 to Conway, AR, then over U.S. Hwy 64 to Vilonia, and return over the same route, serving all intermediate points. (Hearing site: Little Rock, AR.)

MC 135524 (Sub-35F), filed August 23, 1979. Applicant: G. F. TRUCKING CO., a corporation, P.O. Box 229, 1028 West Rayen Ave., Youngstown, OH 44501. Representative: George Fedorisin, 914 Salts Springs Road, Youngstown, OH 44509. Transporting *lumber, lumber mill products, forest products, wood products,* and *sawmill products,* (1) from points in CA, ID, MT, OR, and WA to points in AZ, AR, CA, CO, IL, IN, IA, KS, LA, MI, MN, MO, MT, NE, NV, NM, ND, OH, OK, PA, SD, TX, UT, WI, and WY, and (2) from points in AZ, CO, and NM to points in AR, IL, IN, IA, KS, LA, MI, MN, MO, NE, NV, ND, OH, OK, PA, SD, TX, UT, WI, and WY. (Hearing site: Columbus, OH, or Seattle, WA.)

MC 135895 (Sub-54F), filed September 11, 1979. 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. Transporting (1) *air filters, air filter media,* and *insulating materials,* in containers, and (2) *equipment, materials and supplies* used in the manufacture and distribution of the commodities named in (1) above (except commodities in bulk, and those requiring special equipment), between the facilities of Precision Aire, Inc., at or near (a) Dallas, TX, (b) Kenner, LA, (c) St. Petersburg, FL, (d) Charlotte, NC, and (e) Atlanta, GA, on the one hand, and, on the other, points in AL, AR, FL, GA, LA, MO, MS, NC, OK, SC, TN, and TX. (Hearing site: St. Petersburg, FL, or New Orleans, LA.)

MC 135895 (Sub-55F), filed August 24, 1979. 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. Transporting (1) *paper* and *paper articles* and *woodpulp,* and (2) *equipment, materials and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk and those requiring special equipment), between those points in the United States in and east of ND, SD, NE, CO, and NM, restricted to the transportation of traffic originating at or destined to the facilities of Scott Paper Company. (Hearing site: Jackson, MS, or Mobile, AL.)

MC 139555 (Sub-9F), filed August 28, 1979. Applicant: MODULAR TRANSPORTATION CO., a Corporation, P.O. Box 1822, Grand Rapids, MI 49501. Representative: William D. Parsley, 1200 Bank of Lansing Bldg., Lansing, MI 48933. Transporting (1)(a) *gypsum, gypsum products* and *plasterboard joint systems* and (b) *building materials,* (except those commodities in (a) above, and (2) *materials, equipment, and supplies* used in the manufacture, distribution and installation of the commodities in (1) above, (except commodities in bulk, in tank vehicles), between the facilities of Grand Rapids Gypsum Co., at or near Grand Rapids, MI, on the one hand, and, on the other, points in IN, IL, OH, KY, and WI. (Hearing site: Lansing or Grand Rapids, MI.)

Note.—Dual operations may be involved.

MC 140024 (Sub-166F), filed October 1, 1979. Applicant: J. B. MONTGOMERY, INC., 5565 East 52nd Ave., Commerce City, CO 80022. Representative: Don L. Bryce (same address as applicant). Transporting *metal articles* (except in bulk), from points in NY, OH, PA, and WV, to points in CO, IL, IN, IA, KS, MI, MN, MO, NE, and OH. (Hearing site: Youngstown, OH, or Pittsburgh, PA.)

MC 140484 (Sub-60F), filed September 26, 1979. Applicant: LESTER COGGINS TRUCKING, INC., 2671 E. Edison Ave., P.O. Box 69, Fort Myers, FL 33092. Representative: Frank T. Day (same address as applicant). Transporting *such commodities* as are dealt in or used by restaurants (except commodities in bulk), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Burger King Corporation. (Hearing site: Miami, FL, or Washington, DC.)

MC 143434 (Sub-3F), filed August 10, 1979. Applicant: CHARLES MCALPIN, d.b.a. CHARLES MCALPIN TRUCKING, 1420 Danville Rd. S.W., Decatur, AL 35601. Representative: D. H. Markstein, Jr., 512 Massey Bldg., Birmingham, AL 35203. Transporting (1) *paper* and *paper products,* and (2) *material, equipment and supplies* used in the manufacture of

paper and paper products (except commodities in bulk), between the facilities of Champion International Corporation, at or near Courtland, AL, on the one hand, and, on the other, points in AZ, CA, NM, OR, TX, and WA. (Hearing site: Birmingham, AL.)

MC 144964 (Sub-4F), filed August 31, 1979. Applicant: ESSEX EXPRESS, INC., 1200 Hammondville Rd., Pompano Beach, FL 33060. Representative: John P. Bond, 2766 Douglas Rd., Miami, FL 33060. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from points in MA to points in FL, and GA, under a continuing contract(s) with New England Shipping Association Co-operative, of Brockton, MA. (Hearing site: Washington, DC, or Miami, FL.)

MC 146078 (Sub-13F), filed November 13, 1979. Applicant: CAL-ARK, INC., P.O. Box 394, Malvern, AR 72104. Representative: John Duncan Varda, 121 South Pinckney Street, Madison, WI 53703. Transporting *such commodities as are dealt in by manufacturers and converters of paper and paper products* (except commodities in bulk) from the facilities of Nekoosa Papers Inc. in Little River County, AR, to points in CO, FL, IL, KY, MI, MO, TX and WV. (Hearing site: Chicago, IL, or Washington, DC.)

Note.—Dual operations may be involved.

MC 147455 (Sub-1F), filed August 27, 1979. Applicant: W. F. BROADWATER, d.b.a. W. F. BROADWATER TRUCKING CO., Route 3, Box 39–D, Grantsville, MD 21536. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. Transporting (1) *refractories;* and (2) *materials, equipment, and supplies* used in the manufacture of the refractories between the facilities of (a) Kaiser Refractories, at Frostburg, MD, and (b) Harbison Walker Refractories, at or near Jennings, MD, on the one hand, points in DE, MD, NJ, NY, OH, PA, VA, and WV. (Hearing site: Cumberland, MD.)

MC 148074 (Sub-3F), filed August 31, 1979. Applicant: FRUTH MOTOR TRUCK SERVICE, INC., 720 Scheel St., Belleville, IL 62221. Representative: Edward D. McNamara, Jr., 907 South Fourth St., Springfield, IL 62703. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *glass containers* and (2) *materials and supplies* used in the manufacture of glass containers, from the facilities of Kerr Glass Company, at or near Dunkirk, IN, to St. Louis, MO, under a continuing contract(s) with Kerr Glass Company, of Sand Springs, IN. (Hearing site: Springfield, IL, or St. Louis, MO.)

MC 148534F, filed October 1, 1979. Applicant: POMPEIAN, INC., 4201 Pulaski Highway, Baltimore, MD 21224. Representative: Milton Klein (same address as applicant). To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *wine*, from Baltimore, MD, Philadelphia, PA, Richmond, Roanoke, and Norfolk, VA, and DC, under a continuing contract(s) with Musa, Inc., Baltimore, MD. (Hearing site: Baltimore, MD.)

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Decided: Feb. 15, 1980.

By the Commission, Review Board Number 2. Members Eaton, Liberman, and Jensen. Jensen not participating.

MC 14314 (Sub-36F), filed November 26, 1979. Applicant: DUFF TRUCK LINE, INC., P.O. Box 359, Broadway & Vine St., Lima, OH 45802. Representative: Paul F. Beery, 275 East State St., Columbus, OH 43215. Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, and those requiring special equipment), serving Wharton, OH, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Columbus, OH.)

Note.—Applicant intends to tack with other authority.

MC 16634 (Sub-19F), filed November 27, 1979. Applicant: STRANG TRANSPORTATION, INC., Center and Elmer St., Elmer, NJ 08318. Representative: Martin Werner, 888 Seventh Ave., New York, NY 10019. Transporting *animal and poultry feed, and animal and poultry feed ingredients,* between points in ME, NH, VT, MA, RI, CT, NY, NJ, PA, DE, MD, VA, OH, and NC. (Hearing site: New York, NY.)

MC 52704 (Sub-257F), filed November 23, 1979. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., P.O. Drawer "H", Lafayette, AL 36862. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of rubber and rubber products (except commodities in bulk, in tank vehicles), between the facilities of The Goodyear Tire & Rubber Company, at or near Gadsden, AL, on the one hand, and, on the other, points in NE. (Hearing site: Atlanta, GA.)

MC 95084 (Sub-155F), filed November 26, 1979. Applicant: HOVE TRUCK LINE, Stanhope, IA 50246. Representative: Kenneth F. Dudley, 1501 East Main St., P.O. Box 279, Ottumwa, IA 52501. Transporting (1) *agricultural machinery and implements, industrial equipment,* and *tractors* (except truck tractors), and (2) *parts and accessories* for the commodities in (1) above, from Fargo, ND, to points in the United States (except AK and HI), and (3) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of commodities in (1) and (2) above, in the reverse direction. (Hearing site: Fargo, ND, or Minneapolis, MN.)

MC 105045 (Sub-130F), filed November 26, 1979. Applicant: R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania St., Evansville, IN 47701. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. Transporting *iron and steel articles,* from the facilities of MCM Industries, Inc., at or near (a) Pell City, Pelham, Vincent, Trussville, Birmingham, and Alexander, AL, (b) Starksville, MS, and (c) Memphis, TN, to points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 106674 (Sub-449F), filed November 27, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). Transporting *insulating materials, and materials and supplies* used in the manufacture and installation of insulation, between Erwin, TN, on the one hand, and, on the other, points in the United States (except AK, and HI). (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 107445 (Sub-25F), filed November 30, 1979. Applicant: UNDERWOOD MACHINERY TRANSPORT, INC., 940 W. Troy Ave., Indianapolis, IN 46225. Representative: K. Clay Smith, P.O. Box 33051, Indianapolis, IN 46203. Transporting (1) *material handling lifts,* and (2) *materials, equipment, supplies and accessories* used in the manufacture, distribution, and installation of the commodities in (1) above, (except commodities in bulk), from the facilities of American Manufacturing Company, Inc., at Greensburg, IN, to points in the United States (including AK, but excluding HI). (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 107934 (Sub-37F), filed November 26, 1979. Applicant: BYRD MOTOR LINE, INCORPORATED, P.O. Box 787,

Lexington, NC 27292. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St. NW., Washington, DC 20004. Transporting *methylene diphenyl diisocyanate,* in drums, from Geismar, and New Orleans, LA, to Chatham, VA, Charlotte, NC, and Atlanta, GA. (Hearing site: Washington, DC, or Charlotte, NC.)

MC 110325 (Sub-123F), filed November 23, 1979. Applicant: TRANSCON LINES, P.O. Box 92220, Los Angeles, CA 90009. Representative: Wentworth E. Griffin, Midland Building, 1221 Baltimore Ave., Kansas City, MO 64105. 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 terminal facilities of Transcon Lines, at or near New Castle, IN, as an off-route point in connection with carrier's otherwise authorized regular-route operations.

Note.—Applicant intends to join this authority with its authority in Docket No. MC–110325. (Hearing site: Washington, DC.)

MC 111045 (Sub-180F), filed November 26, 1979. Applicant: REDWING CARRIERS, INC., P.O. Box 426, Tampa, FL 33601. Representative: L. W. Fincher (same address as applicant). Transporting *chemicals,* in bulk, between Childersburg, AL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Montgomery, AL.)

MC 113974 (Sub-67F), filed November 27, 1979. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., 211 Washington Ave., Dravosburg, PA 15034. Representative: James D. Porterfield (same address as applicant). Transporting *marble, talc, limestone,* and *play sand,* from Florence, and Chester, VT, to points in CT, DE, IL, IN, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, and VA. (Hearing site: Washington, DC.)

MC 114194 (Sub-213F), filed November 23, 1979. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Rd., East St. Louis, IL 62201. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. Transporting *commodities in bulk,* between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities used by Ralston Purina Company. (Hearing site: St. Louis, Mo.)

MC 119774 (Sub-107F), filed November 23, 1979. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, TX 75662. Representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. Transporting (1) *electrical transformers, circuit breakers, switchgear, insulators, and air switches,* (2) *parts and accessories* for the commodities named in (1) above, (3) *transformers oil and paint,* in containers, and (4) *iron and steel forms* for the commodities named in (1) and (2) above, from Crystal Springs, MS, to points in the United States, (except AK, HI, AR, CO, KS, MT, NM, NV, OK, TX, UT, and WY). (Hearing site: Dallas, TX, or New Orleans, LA.)

MC 121664 (Sub-103F), filed November 26, 1979. Applicant: HORNADY TRUCK LINE, INC., P.O. Box 846, Monroeville, AL 36460. Representative: W. E. Grant, 1702 First Ave. South, Birmingham, AL 35233. Transporting *treated poles, piling posts, and lumber,* from Pineville, and Alexandria, LA, to those points in the United States in and east of WI, IL, KY, TN, and MS. (Hearing site: Birmingham, AL, or Atlanta, GA.)

MC 127625 (Sub-35F), filed November 30, 1979. Applicant: SANTEE CEMENT CARRIERS, INC., P.O. Box 638, Holy Hill, SC 29059. Representative: Frank B. Hand, Jr., P.O. Drawer C, Berryville, VA 22611. Transporting (1) *lumber,* from the facilities of Woodkraft, Division of Kraft Company, at or near Greenville, and Madison, GA, to points in AR, FL, GA, IL, IN, KY, MD, MI, NC, OH, PA, SC, TN, VA, WI, and WV, and (2) *veneer,* in the reverse direction. (Hearing site: Columbia, SC, or Washington, DC.)

MC 128095 (Sub-38F), filed November 23, 1979. Applicant: IBCO TRUCK LINE, INC., P.O. Box 1402, Tupelo, MS 38801. Representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. Transporting *new furniture,* from the facilities of KOFABCO, Inc., at or near Peru, IN, to points in AL, AR, FL, GA, LA, MS, NC, SC, TN, and TX. (Hearing site: Indianapolis, IN, or Washington, DC.)

MC 128685 (Sub-35F), filed November 30, 1979. Applicant: DIXON BROS., INC., P.O. Drawer 8, Newcastle, WY 82701. Representative: Jerome Anderson, 100 Transwestern Bldg., Billings, MT 59101. Transporting (a) *lubricating oil,* in containers, from Ponca City, OK, to Gillette, Sheridan, Buffalo, Worland, and Cody, WY, (b) *anti-freeze,* in containers, from Omaha, NE, to Gillette, Sheridan, Buffalo, Worland and Cody, WY, and (c) *barrels,* from Gillette, Sheridan, Buffalo, Worland, and Cody, WY, to Kansas City, MO, and Tulsa, OK. (Hearing site: Rapid City, SD, or Casper, WY.)

Note.—Dual operations may be involved.

MC 134134 (Sub-53F), filed November 23, 1979. Applicant: MAINLINER MOTOR EXPRESS, INC., 4202 Dahlman Ave., Omaha, NE 68107. Representative: James F. Crosby, P.O. Box 37205, Omaha, NE 68137. Transporting *such commodities* as are dealt in or used by producers and distributors of alcoholic beverages (except commodities in bulk), between the facilities of Heublein, Inc., at or near Paducah, KY, on the one hand, and points in the United States (except AK, and HI), restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Boston, MA.)

MC 134404 (Sub-60F), filed November 23, 1979. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 796, Manville, NJ 08835. Representative: Eugene M. Malkin, Suite 1832, 2 World Trade Center, New York, NY 10048. *Contract carrier* transporting (a) *tin,* and *solder and solder residue;* and (b) *equipment, materials and supplies* used in the manufacture and distribution of the commodities in (1)(a) above, (except commodities in bulk, and those requiring special equipment), between New York, NY, 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, under continuing contract(s) with Philipp Brothers, Division of Englehard Minerals & Chemicals Corp., of New York, NY, and Alpha Metals, Inc., of Jersey City, NJ, and (2) *iron and steel wire rods,* (a) from the facilities of Raritan River Steel Co., at or near Perth Amboy, NJ, to points in DE, MD, and PA, and (b) from Perth Amboy, NJ, to points in NJ, under continuing contract(s) with Raritan River Steel Co., of Perth Amboy, NJ, restricted to the transportation of traffic having a prior or subsequent movement by water. (Hearing site: New York, NY.)

Note.—Dual operations may be involved.

MC 135524 (Sub-82F), filed November 26, 1979. Applicant: G. F. TRUCKING CO., P.O. Box 229, 1028 West Rayen Ave., Youngstown, OH 44501. Representative: George Fedorisin, 914 Salts Springs Rd., Youngstown, OH 44509. Transporting *aircraft ground support equipment,* from Foley, and Glenwood, MN, and Fargo, ND, to points in CA, WA, TX, MO, TN, MI, OH, NY, PA, NC, and Miami, FL, Atlanta, GA, Newark, NJ, Boston, MA, Chicago, IL, New Orleans, LA, Mobile, AL, Jackson, MS, Richmond, VA, Columbia, SC, Manchester, NH, Windsor Locks, and Hartford, CT, Denver, CO, Salt Lake City, UT, Las Vegas NV, Fort Wayne, IN, Milwaukee, WI, Albuquerque, NM, Phoenix, AZ, and Omaha, NE. (Hearing site: Columbus, OH, or Minneapolis, MN.)

MC 135524 (Sub-83F), filed November 26, 1979. Applicant: G. F. TRUCKING

CO., P.O. Box 229, 1028 West Rayen Ave., Youngstown, OH 44501. Representative: George Fedorisin, 914 Salts Springs Rd., Youngstown, OH 44509. Transporting *grain storage and drying equipment, and parts, equipment, supplies, and materials* (used in the manufacture of grain storage and drying equipment), between Assumption, IL, on the one hand, and, on the other, points in the United States (except AK, and HI). (Hearing site: Columbus, OH, or Springfield, IL.)

MC 135524 (Sub-89F), filed November 27, 1979. Applicant: G. F. TRUCKING CO., P.O. Box 229, 1028 West Rayen Avenue, Youngstown, OH 44501. Representative: George Fedorisin, 914 Salts Springs Rd., Youngstown, OH 44509. Transporting *chemicals,* and *plastic materials,* from Joliet and Willow Springs, IL, to points in OH, and PA. (Hearing site: Columbus, OH, or Chicago, IL.)

MC 136035 (Sub-17F), filed November 30, 1979. Applicant: TREADWAY CARRIERS, INC., P.O. Box 364, Westfield, IN 46074. Representative: Orville G. Lynch (same address as above). *Contract carrier* transporting *printed matter, and materials* used in the manufacture of printed matter (except commodities in bulk), (1) from Canoga Park, Montebello, San Francisco, and Tracy, CA, Chicago, IL, Kendallville, IN, East Millinocket and Jay, ME, Clinton, Forge Village, Lowell, and North Chelmsford, MA, Raymond, NH, Deferiet and Kingston, NY, and Allentown, and Philadelphia, PA, to points in the United States (except AK, and HI), and (2) *materials* used in the manufacture of books and printed matter (except commodities in bulk), in the reverse direction, under continuing contract(s) in (1) and (2) with Courier-Citizen, Inc., of Lowell, MA. Note: Dual operations may be involved. (Hearing site: Indianapolis, IN, or Boston, MA.)

MC 136315 (Sub-100F), filed November 23, 1979. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 28, Philadelphia, MS 39305. Representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. Transporting (1) *iron and steel articles, and pipe,* from the facilities of Fort Worth Pipe and Supply Company, at or near Conroe, TX, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, in the reverse direction, restricted to the transportation of traffic originating at or destined to the named facilities. Note: Dual operations may be involved. (Hearing site: Forth Worth, TX, or Washington, DC.)

MC 139495 (Sub-500F), filed November 30, 1979. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Transporting *foodstuffs,* from points in Cameron, and Hidalgo Counties, TX, to points in the United States (except AK, and HI). (Hearing site: Washington, D.C.)

MC 140024 (Sub-170F), filed November 26, 1979. Applicant: J. B. MONTGOMERY, INC. (a Delaware corporation), 5565 East 52nd Ave., Commerce City, CO 80022. Representative: Don L. Bryce (same address as applicant). Transporting (1) *buildings and metal storage bins, knocked down,* and (2) *parts and accessories* for the commodities in (1) above, from Pheonix, AZ, Turlock, CA, La Grange, GA, Chicago, IL, Taylorville, IL, Terre Haute, IN, Sheffield, IA, Chetopa and Oswego, KS, Omaha, NE, Oklahoma City, OK, Van Wert, OH, Milton, PA, Memphis and Portland, TN, Houston, TX, Spanish Fork, UT, and Waukesha, WI, to points in the United States (except CT, DE, NJ, NY, ME, MD, MA, RI, NH, and VT). (Hearing site: Omaha, NE, or Denver, CO.)

MC 140174 (Sub-5F), filed November 30, 1979. Applicant: BROOKS TRUCKING, INC., Post Office Box 187, Vanlue, OH 45890. Representative: Richard H. Brandon, Post Office Box 97, 220 West Bridge St., Dublin, OH 43017. *Contract carrier,* transporting (1) *steel bars, steel tubing, and steel coils,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between Shelby, OH, on the one hand, and, on the other, points in the United States (except AK, and HI), under continuing contract(s) with Ohio Steel Tubing Company of Shelby, OH. (Hearing site: Columbus, OH.)

MC 140484 (Sub-68F), filed November 26, 1979. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, 2671 East Edison Ave., Fort Myers, FL 33902. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St., N.W., Washington, DC 20005. Transporting *meats, meat products, and meat by-products, dairy products, and articles disbributed by meat-packinghouses,* as described in Sections A, B, & 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 used by John Morrell & Co., at or near (a) Estherville, and Sioux City, IA, and (b) Sioux Falls, SD, to points in IL, IN, MI, KY, OH, and PA, restricted to the transportation of traffic originating at the named facilities. (Hearing site: Washington, DC, or Chicago, IL.)

MC 140484 (Sub-69F), filed November 26, 1979. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, 2671 East Edison Ave., Fort Myers, FL 33902. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St., N.W., Washington, DC 20005. Transporting *meats, meat products, and meat by-products, dairy products, and articles disbributed by meat-packinghouses,* as described in Sections A, B, & 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 used by John Morrell & Co., at or near (a) Estherville, and Sioux City, IA, and (b) Sioux Falls, SD, to points in AL, FL, GA, NC, and SC, restricted to the transportation of traffic originating at the named facilities. (Hearing site: Washington, DC, or Chicago, IL.)

MC 140645 (Sub-12F), filed November 23, 1979. Applicant: UNITED TRUCKING, INC., 100 Stoffel Drive, Tallapoosa, GA 30176. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30302. *Contract carrier,* transporting *cleaning, buffing, and polishing compounds, textile softners, lubricating oil, deodorants, and disinfectants* (except commodities in bulk), from the facilities of Economics Laboratory, Inc., at or near Avenel, NJ, to points in IL, IN, MI, NY, OH, and PA, under continuing contract(s) with Economics Laboratory, Inc., of St. Paul, MN. (Hearing site: Atlanta, GA, or Washington, DC.)

MC 140665 (Sub-73F), filed November 26, 1979. Applicant: PRIME, INC., Route 1, Box 115–B, Urbana, MO 65767. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266. Transporting *frozen foods,* in vehicles equipped with mechanical refrigeration, (1) from the facilities used by Pet, Incorporated, Frozen Foods Division, at (a) Frankfort, Benton Harbor, and Hart, MI, and (b) South Bend, IN, to points in AL, AZ, AR, CA, CO, GA, ID, KS, IA, MS, MO, MT, NE, NV, NM, OK, OR, TN, TX, UT, WA, and WY, and (2) from the facilities used by Pet, Incorporated, Frozen Foods Division, at Allentown, Chambersburg, and Fogelsville, PA, to points in AZ, AR, CA, CO, ID, IA, MI, MT, NV, NM, OK, OR, TX, UT, WA, and WY. (Hearing site: St. Louis, MO, or Washington, DC.)

MC 140665 (Sub-74F), filed November 26, 1979. Applicant: PRIME, INC., Route 1, Box 115–B, Urbana, MO 65767. Representative: Clayton Geer, P.O. Box

786, Ravenna, OH 44266. Transporting *heating and cooling equipment,* and *materials and supplies* used in the manufacture or distribution of heating and cooling equipment (except commodities which because of their size and weight require the use of special equipment), between Cleveland, Medina, and Elyria, OH, on the one hand, and, on the other, those points in the United States in and west of ND, SD, NE, KS, OK, and TX (except AK, and HI). (Hearing site: Washington, DC, or Columbus, OH.)

MC 140665 (Sub-75F), filed November 27, 1979. Applicant: PRIME, INC., Route 1, Box 115–B, Urbana, MO 65767. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266. Transporting (1) *lampblack, plastic materials, synthetic resins,* and (2) *materials and supplies* used in the manufacture and distrtibution of the commodities in (1) above, (except commodities in bulk), (A) from points in Douglas County, IL, Dayton, Fairport Harbor, and Xenia, OH, and Indianapolis, IN, to points in the United States (except AK and HI), and (B) from Houston, TX, to those points in the United States in and east of ND, SD, NE, KS, OK, AR, and LA. (Hearing site: Washington, DC, or Houston, TX.)

MC 140665 (Sub-79F), filed November 26, 1979. Applicant: PRIME, INC., Route 1, Box 115–B, Urbana, MO 65767. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266. Transporting (1) *heating compounds, polishing compounds, deodorants, and disinfectants,* and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), between points in Summit County, OH, on the one hand, and, on the other, points in the United States (except AK, HI, and OH). (Hearing site: Washington, DC, or Columbus, OH.)

MC 141514 (Sub-1F), filed November 26, 1979. Applicant: WILLIAM H. BURGENER, d.b.a. BURGENER CONTRACT CARRIERS, Route 3, Box 485, Merrill, WI 54452. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. *Contract carrier,* transporting, (1) *petroleum lubricants, fuel additives, hydrauylic fluids, and roof and driveway coatings and sealers,* in containers, from the facilities of Schaeffer Manufacturing Company, at or near St. Louis, MO, to points in ND, those in MN in and south of Lac Qui Parle, Chippewa, Renville, McLeod, Carver, Hennepin, Ramsey, and Washington Counties, and those in WI in and south of Grant, Iowa, Dane, Jefferson, Waukesha, and Milwaukee Counties, and (2) *cattle oilers, cattle oil,* and *hog oil,* from the facilities of Schaeffer Manufacturing Company, at or near St. Louis, MO, to points in MN, ND, WI, and the Upper Peninsula of MI, under continuing contract(s) in (1) and (2) with Schaeffer Manufacturing Company of St. Louis, MO. (Hearing site: Minneapolis, MN, or Milwaukee, WI.)

MC 141804 (Sub-306F), filed November 27, 1979. Applicant: WESTERN EXPRESS, division of INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). Transporting (1) *electronic products* and (2) *parts and accessories* used in the manufacture of electronic products, from the facilities of Matsushita Electronic Corporation America, at Franklin Park, IL, to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY. (Hearing site: Los Angeles, CA.)

MC 142364 (Sub-28F), filed November 26, 1979. 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. Transporting *petroleum products,* in packages, from Maryland Heights, MO, to points in AR, IL, KS, LA, OK, and TX. (Hearing site: Oil City, PA, or Ft. Smith, AR.)

MC 143775 (Sub-129F), filed November 26, 1979. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke (same address as applicant). Transporting (1) *floor coverings and* (2) *materials and supplies* used in the maintenance and installation of floor coverings, from Lancaster and East Hempfield Township, PA, to those points in the United States in and west of MN, IA, MO, AR, and LA, restricted to the transportation of traffic originating at the named origins. (Hearing site: Harrisburg, PA, or Washington, DC.)

Note.—Dual operations may be involved.

MC 143775 (Sub-130F), filed November 26, 1979. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke (same address as applicant). Transporting *automotive electrical equipment and automotive accessories* from Los Angeles, CA, to those points in the United States in and east of MN, IA, MO, KS, OK, and TX. (Hearing site: Los Angeles, or San Francisco, CA.)

Note.—Dual operations may be involved.

MC 143775 (Sub-131F), filed November 26, 1979. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke (same address as applicant). Transporting (1) *such commodities* as are dealt in by grocery and food business houses and agricultural feed business houses, *soy products, paste and flour products; and dairy based products* and (2) *materials equipment, and supplies* used in the manufacture, sale, and distribution of the commodities in (1) above (except commodities in bulk), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities used by Ralston Purina Company. (Hearing site: St. Louis, MO, or Washington, DC.)

Note.—Dual operations may be involved.

MC 145054 (Sub-31F), filed November 26, 1979. Applicant: COORS TRANSPORTATION CO., 5101 York St., Denver, CO 80216. Representative: Leslie R. Kehl, 1600 Lincoln Center, 1660 Lincoln St., Denver, CO 80264. Transporting *canned petfood and canned tuna,* from Terminal Island, CA, to points in CO, and MO. (Hearing site: Denver, CO.)

Note.—Dual operations may be involved.

MC 145054 (Sub-32F), filed November 26, 1979. Applicant: COORS TRANSPORTATION CO., 5101 York St., Denver, CO 80216. Representative: Leslie R. Kehl, 1600 Lincoln Center, 1660 Lincoln St., Denver, CO 80264. Transporting *foodstuffs,* from Pasco, Walla Walla, Kennewick, and Grandview WA, to points in AZ, CA, CO, NV, UT, and WY. (Hearing site: Denver, CO.)

Note.—Dual operations may be involved.

MC 145115 (Sub-2F), filed November 26, 1979. Applicant: NY., NJ., CONN., FREIGHT & MESSENGER CORP., Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10001. *Contract carrier,* transporting *such commodities* as are dealt in by retail department stores, (except commodities in bulk), between Enfield, CT, on the one hand, and, on the other, points in the United States (except AK, and HI), under continuing contract(s) with Casual Corner, Inc., of Enfield, CT. (Hearing site: New York, NY.)

Note.—Dual operations may be involved.

MC 148184 (Sub-3F), filed November 27, 1979. Applicant: SUMMIT TRUCK LINES, INC., 218 North 23rd St., Coeur d'Alene, ID 83814. Representative: Michael D. Duppenthaler, 211 South Washington St., Seattle, WA 98104. Transporting *Canned and Preserved Foodstuffs,* from the facilities of Heinz, U.S.A. Division of H. J. Heinz Company, at or near (a) Muscatine and Iowa City, IA, (b) Holland, MI, and (c) Fremont,

OH, to points in TX, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Seattle, WA.)

MC 148715 (Sub-1F), filed November 23, 1979. Applicant: DANIEL E. HAYNES d.b.a. HAYNES TRUCKING CO., Route 2, Box 102, Section, AL 35771. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Building, Birmingham, AL 35203. *Contract carrier,* transporting *store fixtures,* and *materials, equipment, and supplies* used in the manufacture and distribution of store fixtures, (except commodities in bulk, in tank vehicles), between the facilities of Lozier Corp., at or near Scottsboro, AL, 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, under continuing contract(s) with Lozier Corp. (Hearing site: Birmingham, AL, or Atlanta, GA.)

MC 148955F, filed November 30, 1979. Applicant: PAL TRANSPORTATION, INC., 556 Forest Rd., Orange, CT 06477. Representative: William J. Meuser, 86 Cherry St., P.O. Box 507, Milford, CT 06460. *Contract carrier,* transporting *malt beverages,* from Merrimack, NH, and Newark, NJ, to Wallingford, West Haven, and Orange, CT, under continuing contract(s) with Dickello Distributors, Inc., of West Haven, CT. (Hearing site: Hartford, CT, or New York, NY.)

MC 148964F, filed November 30, 1979. Applicant: W. L. WAGGONER TRUCKING CO., #4 Caine Drive, Madison, IL 62060. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. Transporting *Commodities, the transportation of which, because of their size or weight, require the use of special equipment,* between St. Louis, MO, on the one hand, and, on the other, points in KS, OK, AR, MO, IA, MI, IN, OH, IL, KY, NE, TN, and WI. (Hearing site: St. Louis, MO.)

MC 148965F, filed November 26, 1979. Applicant: CLARK BROS. TRANSPORTATION, INC., 1808 30th St., Birmingham, AL 35207. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting (1) *pipe, valves, hydrants, and fittings,* (2) *metal and metal articles* (3) *paper, plastic, and paper and plastic products,* (4) *lumber, lumber products, and particleboard,* (5) *containers,* and *container ends and closures,* and (6) *materials, equipment, and supplies* used in the manufacture and sale of the commodities in (1) through (5) above, (except commodities in bulk, in tank vehicles), between points in AL, AR, FL, GA, KY, LA, MS, NC, OK, SC, TN, and TX. (Hearing site: Birmingham, AL.)

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Decided: Feb. 21, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 2095 (Sub-27F), filed October 9, 1979. Applicant: KEIM TRANSPORTATION, INC., 420 N. Sixth, RFD 2, Box 10, Sabetha, KS 66534. Representative: Clyde N. Christey, Kansas Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. Transporting (1) (a) *gypsum, gypsum products* (except binding materials), and (b) *building materials,* from points in Marshall County, KS, to points in the United States (except AK and HI), (2) (a) the commodities described in (1) above and (b) supplies used in the manufacture, installation and distribution of commodities in (1) above, in the reverse direction. (Hearing site: Kansas City, MO.)

MC 4405 (Sub-617F), filed October 10, 1979. Applicant: DEALERS TRANSIT, INC., P.O. Box 236, Tulsa, OK 74101. Representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, ND 58126. Transporting (1) *mining and tunneling equipment,* and (2) *parts for mining and tunneling equipment,* from Denver, CO, and Detroit, MI, to points in the United States (except AK and HI). (Hearing site: Denver, CO.)

MC 29934 (Sub-24F), filed October 9, 1979. Applicant: LO BIONDO BROTHERS MOTOR EXPRESS, INC., P.O. Box 160, Bridgeton, NJ 08302. Representative: Michael R. Werner, 167 Fairfield Rd., P.O. Box 1409 Farifield, NJ 07006. Transporting *such commodities* as dealt in by grocery and food business houses, from the facilities of Ralston-Purina Company, at Jersey City, NJ, to points in DE, MD, NY, PA, VA, and DC. (Hearing site: New York, NY.)

MC 30844 (Sub-659F), filed October 10, 1979. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 5000, Waterloo, IA 50704. Representative: John P. Rhodes, P.O. Box 5000, Waterloo, IA 50704. Transporting (1) *such commodities* as dealt in by manufacturers of metal utility boxes, tool chests, tool cabinets, tool boxes, truck boxes, medical cabinets, work benches, and utility cabinets, (a) between Waterloo, IA, Sedalia, MO, Pocahontas, AR, Jonesboro, AR, Los Angeles, CA, and Portland, OR, and (b) from the points named in (a) above to points in the United States (except AK and HI), and (2) *materials and supplies* used in the manufacture and distribution of the commodities described in (1) above, from points in the United States (except AK and HI), to Waterloo, IA, Sedalia, MO, Pocahontas, AR, Los Angeles, CA, and Portland, OR, restricted in (1) and (2) above to shipments originating at or destined to facilities used by Waterloo Industries, Inc., and/or Lumidor Div. of Waterloo Industries, Inc. (Hearing site: Chicago, IL.)

MC 52704 (Sub-255F), filed October 9, 1979. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., P.O. Drawer "H", Lafayette, AL 36862. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Transporting *metal containers, container ends, tinplate,* and *materials, equipment and supplies* used in the manufacture and distribution of metal containers, container ends, and tinplate, between the facilities of Crown Cork and Seal Company, Inc., at or near Atlanta, GA, on the one hand, and, on the other, points in AL, AR, DE, FL, GA, IL, IN, KY, LA, MD, MS, NC, NJ, OH, PA, SC, TN, TX, VA, and WV. (Hearing site: Atlanta, GA.)

MC 56244 (Sub-90F), filed October 9, 1979. Applicant: KUHN TRANSPORTATION COMPANY, INC., P.O. Box 98, R.D. #2, Gardners, PA 17324. Representative: J. Bruce Walter, 410 North Third St., P.O. Box 1146, Harrisburg, PA 17108. Transporting (1) *strapping and strapping accessories,* and (2) *strapping materials, supplies and equipment,* from the facilities of Samuel Strapping Systems, at Columbus, OH, to points in DE, MD, NJ, NY, PA, VA, and DC, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Harrisburg, PA, or Washington, DC.)

MC 61825 (Sub-115F), filed October 9, 1979. Applicant: ROY STONE TRANSFER CORPORATION, V.C. Drive, P.O. Box 385, Collinsville, VA 24078. Representative: John D. Stone (same address as applicant). Transporting (1) *containers and container ends and such commodities manufactured or distributed by manufacturers and distributors of containers (except containers) when moving in mixed loads with containers,* and (2) *materials, equipment and supplies used in the manufacture and distribution of containers and container ends,* between those points in the United States in and east of MN, IA, MO, OK, and TX, restricted (a) against the transportation of commodities in bulk, in tank or dump vehicles, and (b) to the transportation of traffic originating at or destined to the facilities of Glass Containers Corporation. (Hearing site: Washington, DC.)

MC 107295 (Sub-943F), filed October 9, 1979. Applicant: PRE-FAB TRANSIT CO. a corporation, P.O. Box 146, Farmer City, IL 61842. Representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, IL 62707. Transporting *insulation materials,* from Riverside, CA, to points in AZ, ID, NV, NM, OR, UT, and WA. (Hearing site: Los Angeles, CA.)

MC 107544 (Sub-150F), filed October 9, 1979. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, P.O. Box 580, Marion, VA 24354. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh St., NW., Washington, DC 20001. Transporting *liquid coal treating compounds and liquid industrial water treating compounds,* in bulk, in tank vehicles, from Muscle Shoals, AL, to points in KY, TN, VA, and WV. (Hearing site: Washington, DC.)

MC 109595 (Sub-22F), filed October 11, 1979. Applicant: REX TRANSPORTATION COMPANY, a corporation, Suite 207 Clausen Bldg., 1520 Woodward Ave., Bloomfield Hills, MI 48013. Representative: William Elmer, 21635 East Nine Mile Rd., St. Clair Shores, MI 48080. Transporting *cement,* from Detroit, MI to points in OH, and IN. (Hearing site: Detroit, MI.)

MC 110325 (Sub-119F), filed October 9, 1979. Applicant: TRANSCON LINES, a corporation, P.O. Box 92220, Los Angeles, CA 90009. Representative: Wentworth E. Griffin, Midland Bldg., 1221 Baltimore Ave., Kansas City, MO 64105. 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 the junction of Interstate Hwy 20 and U.S. Hwy 81 and the junction of CA Hwys 99 and 58, from the junction of Interstate Hwy 20 and U.S. Hwy 81 over combined U.S. Hwys 81 and 287 to the junction of U.S. Hwy 287, then over U.S. Hwy 287 to the junction of Interstate Hwy 40, then over Interstate Hwy 40 to the junction of CA Hwy 58, then over CA Hwy 58 to the junction of CA Hwy 99, and return over the same route, serving no intermediate points as an alternate route for operating commodities only in connection with carrier's authorized regular-routes operations. (Hearing site: Los Angeles, CA.)

MC 111785 (Sub-63F), filed October 9, 1979. Applicant: BURNS MOTOR FREIGHT, INC., P.O. Box 149, Marlinton, WV 24954. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. Transporting *sawdust, wood chips and bark,* from points in WV, to Big Island, VA. (Hearing site: Washington, DC.)

MC 112304 (Sub-220F), filed October 9, 1979. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock St., Cincinnati, OH 45223. Representative: John D. Herbert (same address). Transporting (1) *such commodities,* as are dealt in or used by agricultural equipment and industrial equipment dealers and manufacturers, from the facilities of J. I. Case Company, at or near Burlington and Bettendorf, IA, to those points in the United States in and east of MI, IN, KY, TN, and MS, and (2) *equipment, materials and supplies* used in the manufacture of commodities in (1) above, in the reverse direction. (Hearing site: Chicago, IL, or Washington, DC.)

MC 116254 (Sub-298F), filed October 11, 1979. Applicant: CHEM-HAULERS, INC., 118 East Mobile Plaza, Florence, AL 35630. Representative: Hampton M. Mills (same address as above). Transporting *chemicals,* in bulk, in tank vehicles, from (1) the facilities of Union Carbide Corporation at or near Taft, LA, to points in the United States, (except AL, AK, LA, MS, and HI), and (2) points in the United States, (except AK and HI), to the facilities of Union Carbide Corporation at Taft, LA. (Hearing site: Washington, DC, or Nashville, TN.)

MC 118535 (Sub-46F), filed October 10, 1979. Applicant: TIONA TRUCK LINE, INC., 102 West Ohio, Butler, MO 64730. Representative: Jim Tiona, Jr. (same address as applicant). Transporting *salt and salt products,* from Catoosa, OK, to points in AR, KS, MO, OK, and TX. (Hearing site: Kansas City, MO.)

MC 119974 (Sub-90F), filed October 10, 1979. Applicant: L.C.L. Transit Company, a corporation, 949 Advance Street, Green Bay, WI 54304. Representative: L. F. Abel, P.O. Box 949, Green Bay, WI 54305. Transporting (a) *pet food mix* (except in bulk), and (b) *hog and pig skins and trimmings* (a) from the facilities of Geo. A. Hormel & Co. at Davenport, IA, to points in IL, KS, MN, MO, NE, SD, and WI, (b) from points in NE, to the facilities of Geo. A. Hormel & Co. at Davenport, IA. Chicago, IL (Hearing site: Chicago, IL.)

MC 121664 (Sub-99F), filed October 9, 1979. Applicant: HORNADY TRUCK LINE, INC., P.O. Box 846, Monroeville, AL 36460. Representative: W. E. Grant, 1702 First Avenue South, Birmingham, AL 35201. Transporting *building materials* (except in bulk), from Mableton, GA, and Jacksonville, FL, to points in AL. (Hearing site: Birmingham, AL.)

MC 121664 (Sub-100F), filed October 9, 1979. Applicant: HORNADY TRUCK LINE, INC., P.O. Box 846, Monroeville, AL 36460. Representative: W. E. Grant, 1702 First Avenue South, Birmingham, AL 35201. Transporting *cement,* from the facilities of Marquette Cement Co., in (a) Nashville and Cowan, TN, to points in AL, AR, FL, GA, IL, IN, KY, LA, MS, MO, NC, OH, SC, VA, and TN, and (2) Memphis, TN, to points in AL, AR, KY, LA, MO, IL, MS, and TN (Hearing site: Birmingham, AL.)

MC 121664 (Sub-101F), filed October 9, 1979. Applicant: HORNADY TRUCK LINE, INC., P.O. Box 846, Monroeville, AL 36460. Representative: W. E. Grant, 1702 First Avenue South, Birmingham, AL 35201. Transporting *steel articles* from Tallapoosa, GA, to points in AL, MS, LA, TX, AR, FL, and TN. (Hearing site: Birmingham, AL.)

MC 125924 (Sub-7F), filed October 11, 1979. Applicant: MARIS TRANSPORT LIMITED, 1090 South Service Road, East, P.O. Box 158, Oakville, Ontario, Canada L6J 4Z5. Representative: Eugene C. Ewald, 100 West Long Lake Road, Suite 102, Bloomfield Hills, MI 48013. To operate as a *common carrier,* by motor vehicle, in foreign commerce only, over irregular routes, transporting *motor vehicles,* (except trailers) in truckaway service, from Detroit, MI, to the port of entry on the international boundary line between the U.S.-Canada at Detroit, MI. (Hearing site: Detroit, MI.)

MC 129645 (Sub-77F), filed October 8, 1979. Applicant: BASIL J. SMEESTER and JOSEPH G. SMEESTER, a partnership, d.b.a. SMEESTER BROTHERS TRUCKING, 1330 South Jackson Street, Iron Mountain, MI 49801. Representative: John N. Nader, 1600 Citizens Plaza, Louisville, KY 40202. Transporting *construction materials, and materials* and *supplies* used in the manufacture and distribution of construction materials (except commodities in bulk), between the facilities of The Celotex Corporation, at or near Russellville, AL, on the one hand, and, on the other, points in IL, IN, IA, MI, MN, and WI. (Hearing site: Tampa, FL, or Birmingham, AL.)

MC 133655 (Sub-188F), filed October 9, 1979. Applicant: TRANS-NATIONAL TRUCK, INC., P.O Box 31300, Amarillo, TX 79120. Representative: Warren L. Troupe, 2480 E. Commercial Blvd., Fort Lauderdale, FL 33308. Transporting *weed killing compounds and animal feed supplements* (except commodities in bulk), from Lafayette and Clinton, IN, to points in TX. (Hearing site: Chicago, IL.)

MC 133655 (Sub-189F), filed October 11, 1979. Applicant: TRANS-NATIONAL TRUCK, INC., P.O Box 31300, Amarillo, TX 79120. Representative: Warren L. Troupe, 2480 E. Commercial Blvd., Fort Lauderdale, FL 33308. Transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commisison, commodities in bulk, and those requiring special equipment), between the facilities of Texas Shippers Association, at Chicago, IL, and points in TX. (Hearing site: Chicago, IL.)

MC 134484 (Sub-28F), filed October 10, 1979. Applicant: EDWARDS BROS., INC., P.O. Box 1684, Idaho Falls, ID 83401. Representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. Transporting *frozen meat,* in boxes, from the facilities of Landmark Beef Processors, Inc., at or near Los Angeles, CA, to points in WA. (Hearing site: Los Angeles, CA.)

MC 135524 (Sub-73F), filed October 9, 1979. Applicant: G. F. TRUCKING CO., a corporation. P.O. Box 229, 1028 West Rayen Ave., Youngstown, OH 44501. Representative: George Fedorisin, 914 Salts Springs Rd., Youngstown, OH 44509. Transporting *foodstuffs* (except in bulk) from the facilities of American Home Foods Division of American Home Products Corporation, at or near Milton, PA, to points in FL, GA, NC, and SC. (Hearing site: Columbus, OH, or New York, NY.)

MC 135524 (Sub-74F), filed October 9, 1979. Applicant: G. F. TRUCKING CO., a corporation, P.O. Box 229, 1028 West Rayen Ave., Youngstown, OH 44501. Representative: George Fedorisin, 914 Salts Springs Rd., Youngstown, OH 44509. Transporting *lumber, lumber mill products, and sawmill products* from points in CA, ID, MT, OR, and WA, to points in AZ, AR, CO, IL, IN, IA, KS, LA, MI, MN, MO, NE, NM, ND, OK, SD, TX, WI, and WY. (Hearing site: Columbus, OH, or Eugene, OR.)

MC 135895 (Sub-68F), filed October 9, 1979. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. Transporting *glass containers* and *closures,* and *returned shipments* of glass containers and closures, (1) between Gulfport, MS, and Memphis, TN, and points in MO, MS, NC, and SC; (2) between Mineral Wells, MS, and points in AL, FL, GA, MO, MS, NC, and SC; (3) between Chattanooga, TN and Little Rock, AR, and points in MO, NC, and SC; and (4) between Corsicana, TX, and points in MO, NC, and SC, restricted to transportation of traffic originating at or destined to the facilities of Chattanooga Glass Company. (Hearing site: New Orleans, LA, or Dallas, TX.)

MC 135924 (Sub-14F), filed October 9, 1979. Applicant: SIMONS TRUCKING CO., INC., 3851 River Rd., Grand Rapids, MN 55744. Representative: Samuel Rubenstein, 301 North Fifth St., Minneapolis, MN 55403. Transporting *starch* (except in bulk in tank vehicles), from Cedar Rapids, and Clinton, IA, to Grand Rapids, MN. (Hearing site: Minneapolis, or St. Paul, MN.)

MC 135924 (Sub-16F), filed October 9, 1979. Applicant: SIMONS TRUCKING CO., INC., 3851 River Rd., Grand Rapids, MN 55744. Representative: Samuel Rubenstein, 301 North Fifth St., Minneapolis, MN 55403. Transporting *tires and tire products,* from Chicago, IL, to Hibbing, MN. (Hearing site: Minneapolis, or St. Paul, MN.)

MC 135924 (Sub-17F), filed October 11, 1979. Applicant: SIMONS TRUCKING CO., INC., 3851 River Rd., Grand Rapids, MN 55744. Representative: Samuel Rubenstein, 301 North Fifth St., Minneapolis, MN 55403. Transporting *crude slab rubber,* from Cumberland, MD, to Hibbing, MN. (Hearing site: Minneapolis, or St. Paul, MN.)

MC 136315 (Sub-91F), filed October 9, 1979. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 28, Philadelphia, MS 39350. Representative: Fred W. Johnson, Jr., P.O. Box 22628, Jackson, MS 39205. Transporting (1)(a) *plastic articles,* and (b) *clay products and accessories* and (2) *materials, equipment and supplies* (except in bulk, in tank vehicles), used in the manufacture and distribution of the commodities named in (1), between those points in the United States in and east of TX, OK, KS, NE, SD, and ND, restricted to the transportation of traffic originating at or destined to the facilities of Can-Tex Industries. (Hearing site: Dallas, TX, or Washington, DC.)

Note.—Dual operations may be involved.

MC 136605 (Sub-137F), filed October 10, 1979. Applicant: DAVIS BROS. DIST., INC., Post Office Box 8058, Missoula, MT 59807. Representative: Allen P. Felton (same address as applicant). Transporting *lumber and wood products,* from Newcastle, WY, to points in IL, IN, MI, IA, and WI. (Hearing site: Denver, CO.)

MC 136644 (Sub-14F), filed October 9, 1979. Applicant: WESTERN DRYWALL TRANSPORT, INC., d.b.a. WESTERN DIRECT TRANSPORT, 2001 Broadway, Vallejo, CA 94590. Representative: R. D. Davis (same address as applicant). To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular route transporting (1) *gypsum board paper,* from Stockton, CA, to points in Clark County, NV, and (2) *gypsum wallboard, accessories and materials* used in the installation of gypsum wallboard, from points in Clark County, NV, to points in Sacramento County, CA, under continuing contract(s) with Pacific Court Building Products, of Sacramento, CA. (Hearing site: Sacramento or San Francisco, CA.)

Note.—Dual operations may be involved.

MC 138304 (Sub-18F), filed October 9, 1979. Applicant: NATIONAL PACKERS EXPRESS, INC., 3445 Patterson Plank Rd., North Bergen, NJ 07047. Representative: Craig B. Sherman, Barnett Bank Building, 1108 Kane Concourse, Bay Harbor Islands, FL 33154. Transporting *steel nuts, bolts, screws and metal fastners,* from New Haven and Bridgeport, CT, and Baltimore, MD, to points in OH, IN, IL, WI, MN, IA, NE, KS, MO, and MI, restricted to the transportation traffic originating at and destined to the named points. (Hearing site: New York, NY, or Washington, DC.)

MC 138635 (Sub-95F), filed October 10, 1979. Applicant: CAROLINA WESTERN EXPRESS, INC., Box 3995, Gastonia, NC 28052. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, NW., Washington, DC 20005. Transporting *citrus juices (except in bulk),* from points in FL, to points in CT, IL, IN, MD, MA, MI, MN, NY, NC, OH, PA, SC, TX, and VA, restricted to the transportation of traffic originating at the facilities of TreeSweet Products Co. (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 138714 (Sub-4F), filed October 10, 1979. Applicant: VIRGINIA TRANSPORTATION, INC., Box 26449, Richmond, VA 23261. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, NW., Washington, DC 20005. Transporting *general commodities,* (except those of unusual value, commodities in bulk, classes A & B explosives, household goods as defined by the Commission, and commodities requiring special equipment), between Richmond, and Ashland, VA, on the one hand, and, on the other, points in OH, NJ, PA, NC, and MD, under continuing contract(s) with Best Products Company, Inc., of Richmond, VA. (Hearing site: Richmond, VA.)

Note.—Dual operations may be involved.

MC 140635 (Sub-20F), filed October 9, 1979. Applicant: ADAMS LINES, INC., 2619 N St., Omaha, NE 68107. Representative: John L. Horning (same

address as applicant). Transporting *meats, meat products, meat byproducts and articles distributed by meat-packing houses* as described in Sections A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk, in tank vehicles), between Britt and Mason City, IA, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, CO, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities used by Lauridsen Foods, Inc., at or near Britt, IA, and Armour & Co., at Mason City, IA. (Hearing site: Omaha, NE.)

MC 141804 (Sub-283F), filed October 11, 1979. Applicant: WESTERN EXPRESS, division of INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). Transporting *cocktail mix*, from Los Angeles, CA, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Los Angeles, or San Francisco, CA.)

MC 146174 (Sub-5F), filed October 9, 1979. Applicant: P. D. EXPRESS, INC., 817 West 5th Ave., Columbus, OH 43212. Representative: Gregory A. Stayart, 10 S. LaSalle St., Chicago, IL 60603. Transporting *processed foodstuffs* in containers, from the facilities of Libby, McNeill & Libby, at (a) Kokomo, IN, (b) Leipsic, OH, and (c) Morton and Alsip, IL, to points in OH, KY, PA, IN, MI, and WV, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Cleveland, OH, or Chicago, IL.)

MC 146355 (Sub-1F), filed October 9, 1979. Applicant: P–N–J KORNACKER, INC., 3050 West 10th St., Waukegan, IL 60085. Representative: Albert A. Andrin, 180 North LaSalle St., Chicago, IL 60601. Transporting (a) *canned, preserved or prepared foodstuffs, and* (b) *materials and supplies used in the manufacture and distribution of the commodities described in (a) above*, between the facilities of Ocean Spray Cranberries, Inc. at (1) Kenosha, WI, (2) Lake County, IL, and (3) Montgomery, AL, on the one hand, and, on the other, points in AL, MI, KY, IN, IL, MN, MO, WI, OH, TN, and GA. (Hearing site: Chicago, IL.)

Note.—Dual operations may be involved.

MC 146464 (Sub-4F), filed October 9, 1979. Applicant: NEVADA GENERAL TRANSPORTATION, INC., P.O. Box 1239, Lamoille, NV 89828. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701. Transporting *malt beverages, wine, juices, cocktail mixes, carbonated beverages*, from Portland, OR, and points in CA, to points in MV. (Hearing site: Reno, NV, or Boise, ID.)

MC 146464 (Sub-5F), filed October 10, 1979. Applicant: NEVADA GENERAL TRANSPORTATION, INC., P.O. Box 1239, Lamoille, NV 89828. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701. Transporting *petroleum and petroleum products*, from points in Minidoka County, ID and Salt Lake County, UT, to points in Humbolt, Lander, Elko, Eureka, and Pershing Counties, NV. (Hearing site: Reno, NV, or Boise, ID.)

MC 146465 (Sub-4F), filed October 5, 1979. Applicant: LAWRENCE PILGRIM, d.b.a. PILGRIM TRUCKING COMPANY, P.O. Box 877, Cleveland, GA 30528. Representative: Jeffrey Kohlman, 1447 Peachtree St., NE, Suite 508, Atlanta, GA 30309. Transporting *lumber*, from the facilities of Woodkraft Wood Products, Division of Georgia Kraft Company, at or near Greenville, and Madison, GA, to those points in the U.S. in and east of TX, OK, KS, MO, ID, and WI. (Hearing site: Atlanta, GA, or Washington, D.C.)

Note.—Dual operations may be involved.

MC 146565 (Sub-2F), filed October 9, 1979. Applicant: DELMAR L. HAUCK, P.O. Box 66, R.D. #22, York, PA 17402. Representative: J. Bruce Walter, P.O. Box 1146, 410 North Third St., Harrisburg, PA 17108. Transporting *truck trailers and cargo containers*, between Middletown, PA, and points in CT, DE, MD, NJ, NY, RI, and VA. (Hearing site: Harrisburg, PA, or Washington, D.C.)

MC 147045 (Sub-4F), filed October 9, 1979. Applicant: CALIFORNIA TRANSPORTATION LABOR, INC., 6901 South Eastern Ave., Bell Gardens, CA 90201. Representative: Wyman C. Knapp, 1800 United California Bank Bldg., 707 Wilshire Boulevard, Los Angeles, CA 90017. Transporting *refined petroleum products*, in bulk, (except asphalts, and road oils, from points in Los Angeles County, CA, to points in Maricopa County, Casa Grande and Tucson, AZ, and, (2) *petroleum products*, in bulk, from Phoenix, Casa Grande, and Tucson, AZ, to points in Los Angeles County, CA. (Hearing site: Los Angeles, CA.)

MC 147955 (Sub-2F), filed October 11, 1979. Applicant: DELBERT G. HAMBLETON, d.b.a. JERRY HAMBLETON, P.O. Box 213, Tonkawa, OK 74653. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting *portable horse stalls*, between points in the United States (except AK, and HI). (Hearing site: Wichita, KS.)

MC 148015 (Sub-2F), filed October 9, 1979. Applicant: SILVERLINE DIVISION ARCTIC ENTERPRISES, INC., 2300 Twelfth Avenue South, Moorhead, MN 56560. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956. To operate as a *contract carrier*, by motor vehicle in interstate or foreign commerce, over irregular routes transporting *boats*, from Anaheim, CA, and Austin, TX, to Alexandria, MN, under a continuing contract(s) with A B W, Inc., of Alexandria, MN. (Hearing site: Fargo, ND, or Minneapolis, MN.)

MC 148375 (Sub-2F), filed October 9, 1979. Applicant: LOWER COLUMBIA TRUCKING, INC., Route 1, Box 217, Cathlamet, WA 98612. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210. Over regular routes, transporting *general commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between Portland, OR, and Ilwaco, WA, from Portland, OR, to Kelso, WA, over Interstate Hwy 5, then over WA Hwy 4 to junction US Hwy 101, then over US Hwy 101 to Ilwaco, WA, and return over the same route, serving all intermediate points, between Kelso, WA, and Ilwaco, WA and off-route points of Altoona, Roseburg, Deep River Camp, Puget Island, Long Beach, Seaview, Chinook and Megler, WA. Restricted against the transportation of traffic between Longview, WA, and Kelso, WA, on the one hand, and, on the other, Portland, OR, and Vancouver, WA. (Hearing site: Longview, WA.)

MC 148565F, filed October 5, 1979. Applicant: SUPER JOHN'S TRUCKING, INC., 24 Fillmore St., Black River Falls, WI 54615. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703. Transporting *such commodities as is dealt in by grocery stores and food business houses*, from points in MN, to the facilities of (a) Town & County I.G.A. of Black River Falls, Inc., d.b.a. Super John's Food Marts, at or near Black River Falls, WI, (b) Augusta Foods, Inc., at or near Augusta, WI, and (c) Super John's Food Mart, Inc., at or near Eau Claire, WI, restricted to the transportation of traffic originating at the named origins and destined to indicated destinations. (Hearing site: Madison, WI, or Eau Claire, WI.)

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Decided: Feb. 27, 1980.
By the Commission, Review Board Number

3, Members Parker, Fortier, and Hill. Member Hill not participating.

MC 4484 (Sub-16F), filed December 17, 1979. Applicant: CROWN TRANSPORT, INC., R.D. #2, Wampum, PA 16157. Representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting *iron and steel articles,* from the facilities of Connors Steel Company, Inc., at Huntington, WV, to points in the United States (except AK and HI), restricted to the transportation of traffic originating at the above-named facilities. (Hearing site: Charleston, WV.)

MC 8535 (Sub-112F), filed December 20, 1979. Applicant: GEORGE TRANSFER AND RIGGING COMPANY, INCORPORATED, P.O. Box 500, Parkton, MD 21120. Representative: John Guandolo, 1000 Sixteenth St., N.W., Washington, DC 20036. Transporting *hardboard, fibreboard, and pulpboard, and materials and supplies used in their installation and distribution,* from Towanda, PA, to points in GA, IL, IN, MI, and TN. (Hearing site: Scranton, PA, or Washington, DC.)

MC 30844 (Sub-675F), filed January 2, 1980. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 21222, Tulsa, OK 74121. Representative: John P. Rhodes, P.O. Box 5000, Waterloo, IA 50704. Transporting *such commodities* as are dealt in by gift stores, between Addison, TX, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, CO, OK, and TX, restricted to the transporting of traffic originating at or destined to the facilities of Tuesday Morning, Inc. (Hearing site: Dallas, TX.)

MC 59934 (Sub-13F), filed January 2, 1980. Applicant: MAIN TRUCKING & RIGGING CO., INC., Wallace St., Elmwood Park, NJ 07407. Representative: Edward L. Nehez, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. Transporting *commodities* which because of size or weight require the use of special equipment, between the facilities of Henderson Industries, Inc., in NJ, on the one hand, and, on the other, points in the United States (except AK, CT, HI, MA, NJ, NY, and RI). (Hearing site: Newark, NJ, or New York, NY.)

MC 60014 (Sub-163F), filed December 17, 1979. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 15146. Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. Transporting (1) *lumber products, machinery, iron and steel articles, and commodities* which by reasons of size or weight require the use of special equipment, from the Port of Houston, TX, to those points in the United States in and east of MT, WY, CO, and NM, and (2) *valves, railway car, and truck body buffers,* from the facilities of ACF Industries, Inc., W-K-M Valve Division, at Houston, TX, to points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 105045 (Sub-136F), filed December 19, 1979. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, IN 47701. Representative: Richard C. McGinnis, 711 Washington Bldg., Washington, DC 20005. Transporting (1) *presses, press brakes, shears, and drills,* and (2) *parts and accessories* for the commodities in (1) above, from the facilities of Hydra Tool Corporation, at or near Greenwood, MS, and Topeka, KS, to points in the United States (except AK and HI). (Hearing site: Memphis, TN, or New Orleans, LA.)

MC 106674 (Sub-450F), filed December 19, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). Transporting *insulating materials* and *equipment and supplies* (except in bulk), used in the manufacture and installation of insulation materials, between Newark, OK, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 106674 (Sub-451F), filed December 18, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). Transporting *mineral wool insulation* and *materials and supplies* (except in bulk), used in the manufacture and distribution of mineral wool insulation, (1) between Memphis, TN, on the one hand, and, on the other, points in AL, AR, GA, IL, IN, KY, LA, MO, MS, OH, OK, and TX, and (2) between Marion and Shelby, OH, on the one hand, and, on the other, points in IL, IN, KY, MI, PA, WV, and WI. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 106775 (Sub-44F), filed December 20, 1979. Applicant: ATLAS TRUCK LINES, INC., 15015 East Freeway, P.O. Box 9848, Houston, TX 77015. Representative: Jack L. Coke, Jr., 4555 First National Bank Bldg., Dallas, TX 75202. Transporting *iron and steel pipe, tubing,* and *conduit* (other than oil field pipe as described in *Mercer Extension,* 74 MCC 459) having an immediately prior movement by water, from Carpenters Bayou, TX (a point within the Houston, TX interstate commercial zone), to points in Morris County, TX. (Hearing site: Dallas or Houston, TX.)

MC 110325 (Sub-127F), filed December 17, 1979. Applicant: TRANSCON LINES, A Corporation, P.O. Box 92220, Los Angeles, CA 90245. Representative: Wentworth E. Griffin, Midland Building, 1221 Baltimore Ave., Kansas City, MO 64105. Over regular routes, transporting *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 points in Murray, Whitfield, Catoosa, Walker, and Dade Counties, GA, and points in Jackson County, AL, as off-route points in connection with carrier's otherwise authorized regular-route operation. (Hearing site: Chattanooga, TN.)

MC 110325 (Sub-128F), filed December 17, 1979. Applicant: TRANSCON LINES, A corporation, P.O. Box 92220, Los Angeles, CA 90245. Representative: Wentworth E. Griffin, Midland Building, 1221 Baltimore Ave., Kansas City, MO 64105. Over regular routes, transporting *general commodities,* (except Classes A and B explosives, those of unusual value, household goods as defined by the Commission, and those requiring special equipment), serving Clinton and Maryville, TN as off-route points in connection with carrier's otherwise authorized regular route operations. (Hearing site: Knoxville, TN.)

MC (Sub-111375F), filed May 16, 1979. Applicant: PIRKLE REGRIGERATED FREIGHT LINES, INC., P.O. Box 3358, Madison, WI 53704. Representative: Elaine M. Conway, 10 South LaSalle St., Suite 1600, Chicago, IL 60603. Transporting *such commodities* as are dealt in or used by manufacturers, converters, processors, distributors, and printers of paper and paper products (except commodities in bulk), from points in WI, to points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, and WY. (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 111594 (Sub-89F), filed December 4, 1979. Applicant: C W TRANSPORT, INC., 610 High Street, Wisconsin Rapids, WI 54494. Representative: Donald B. Levine, 39 S. LaSalle St., Chicago, IL 60603. Over regular routes, transporting *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), (A)(1) between Milwaukee, WI, and Madison, WI, serving all intermediate points, from Milwaukee, WI, over Interstate Hwy 94 to the junction of U.S. Hwy 1, then over U.S. Hwy 16 to the junction of WI Hwy 19, then over WI Hwy 19 to Sun Prairie, WI, then over

U.S. Hwy 151 to Madison, WI and return over the same route; (2) between Milwaukee, WI, and South Beloit, IL, serving all intermediate points, from Milwaukee, WI, over WI Hwy 15 to Beloit, WI, then over U.S. Hwy 51 to South Beloit, IL, and return over the same route; (3) between Milwaukee, WI, and Burlington, WI, serving all intermediate points, from Milwaukee, WI, over WI Hwy 36 to Burlington, WI, and return over the same route; (4) between Racine, WI, and Janesville, WI, over WI Hwy 11, serving all intermediate points; (5) between Racine, WI, and the Junction of WI Hwy 3, serving all intermediate points, from Racine, WI, over WI Hwy 20 to the junction of WI Hwy 36 and return over the same route; (6) between Milwaukee, WI, and Janesville, WI, serving all intermediate points, from Milwaukee, WI, over WI Hwy 59 to the junction of WI Hwy 26, then over WI Hwy 26 to Janesville, WI, and return over the same route; (7) between Watertown, WI, and Portage, WI, (a) over U.S. Hwy 16, serving all intermediate points, and (b) from Watertown, WI, over WI Hwy 26 to the junction of WI Hwy 33, then over WI Hwy 33 to Beaver Dam, WI, then over U.S. Hwy 151 to Columbus, WI, then over U.S. Hwy 16 to Portage, WI, and return over the same route; (8) between Watertown, WI, and Whitewater, WI, serving all intermediate points, from Watertown, WI, over WI Hwy 26 to Fort Atkinson, WI, then over U.S. Hwy 12 to Whitewater, WI, and return over the same route; (9) between Kenosha, WI, and Burlington, WI, serving all intermediate points, from Kenosha, WI, over WI Hwy 50 to the junction of WI Hwy 8, then over WI Hwy 83 to Burlington, WI, and return over the same route; and (10) between Madison, WI, and South Beloit, IL, over U.S. Hwy 51, serving the intermediate points of Janesville, WI, and Beloit, WI. Service is authorized to and from Bristol, Brownsville, and Mayville, WI, as off-route points in connection with the above-described regular routes; and (B) Between Atlanta, GA, and Greenville, SC, over Interstate Hwy 85 serving no intermediate points, as an alternate route for operating convenience only. (Hearing site: Madison, or Milwaukee, WI.)

MC 112184 (Sub-71F), filed December 17, 1979. Applicant: THE MANFREDI MOTOR TRANSIT CO., A corporation, 11250 Kinsman Rd., Newbury, OH 44065. Representative: David A. Turano, 100 East Broad St., Columbus, OH 43215. *Contract carrier,* transporting *corn starch* (except in bulk), from the facilities of Cargill, Inc., at or near Memphis, TN, to points in AL, AR, FL, GA, IL, IN, IA, KS, KY, LA, MS, MO, NC, OH, OK, SC, TX, VA, and WV, under continuing contract(s) with Cargill, Inc., of Memphis, TN. (Hearing site: Washington, D.C.)

MC 114015 (Sub-28F), filed December 17, 1979. Applicant: HUSS, INCORPORATED, Highway 47 West, P.O. Box 666, Chase City, VA 23924. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. *Contract carrier,* transporting *shooks, lumber, and pallets,* between Chase City and Keysville, VA, on the one hand, and, on the other, points in GA, FL, AL, KY, TN, and WV, under a continuing contract(s) with Spaulding Lumber Co., Inc., at Chase City, VA. (Hearing site: Richmond, VA.)

MC 115554 (Sub-27F), filed December 17, 1979. Applicant: HEARTLAND EXPRESS, INC. OF IOWA, P.O. Box 89B, R.R. 6, Iowa City, IA 52240. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Transporting *gas* and *electrical appliances* and *parts, materials, supplies* and *equipment* used in the distribution or repair of appliances, from the facilities of Whirlpool Corporation, at St. Paul, MN, to points in AR, IN, IA, MI, MO, NE, OH, and WI. (Hearing site: Chicago, IL.)

MC 115554 (Sub-28F), filed January 2, 1980. Applicant: HEARTLAND EXPRESS, INC. OF IOWA, P.O. Box 89B, R.R. 6, Iowa City, IA 52240. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Transporting *electric motors,* from DeKalb, IL, and Murfreesboro, TN, to points in AZ, AR, IL, IN, IA, MI, OH, and WI. (Hearing site: Chicago, IL.)

MC 116254 (Sub-305F), filed December 12, 1979. Applicant: CHEM-HAULERS, INC., 118 East Mobile Plaza, Florence, AL 35630. Representative: M. D. Miller (same address as above). Transporting *titanium dioxide slurry,* from the facilities of E. I. duPont De Nemours Company, at New Johnsonville, TN, to points in MO, and WV. (Hearing site: Washington, DC.)

MC 117685 (Sub-3F), filed December 17, 1979. Applicant: CONSOLIDATED TRUCK SERVICE, INC., One Scout Ave., South Kearny, NJ 07032. Representative: Thomas J. Beener, One State St. Plaza, New York, NY 10004. Transporting *coffee* (1) from points in New York, NY, Harbor Limits (as defined in 49 CFR), to Houston and Laredo, TX, Los Angeles and San Francisco, CA, New Orleans, LA, Seattle, WA, Springfield, MO, and Baltimore and Landover, MD, (2) from New Orleans, LA, to Chicago, IL, Miami, FL, Springfield, MO, New York, NY, and Vancouver, WA, and (3) from Seattle and Vancouver, WA, Springfield, MO, Baltimore and Landover, MD, to New York, NY. (Hearing site: New York, NY.)

Note.—Dual operations may be involved.

MC 119894 (Sub-18F), filed December 17, 1979. Applicant: BOWARD TRUCK LINE, INC., 104 Roesler Road, Glen Burnie, MD 21061. Representative: M. Bruce Morgan (same address as applicant). Transporting (1) *Paper and Paper Products,* and (2) *Materials and Supplies* used in the manufacture of Paper, and Waste Paper, between Canton and Waynesville, NC, on the one hand, and, on the other, points in SC, and points in VA on and south of Interstate Hwy 64, and on and west of U.S. Hwy 29. (Hearing site: Asheville, NC.)

MC 123375 (Sub-21F), filed January 2, 1980. Applicant: KIRK TRUCKING SERVICE, INC., 3100 Braun Ave., Westmoreland County, Murrysville, PA 15668. Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. Transporting *iron and steel articles,* from the facilities of the Raritan River Steel Company, at Perth Amboy, NJ, to points in OH, MI, IN, IL, NY, and KY. (Hearing site: Washington, DC.)

MC 123744 (Sub-75F), filed December 18, 1979. Applicant: BUTLER TRUCKING COMPANY, a corporation, P.O. Box 88, Woodland, PA 16881. Representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Bldg., 666 Eleventh St., NW, Washington, DC 20001. Transporting *scrap metal,* from points in PA and OH, to Buffalo, NY, and Hagerstown, MD. (Hearing site: Washington, DC.)

MC 124174 (Sub-164F), filed December 18, 1979. Applicant: MOMSEN TRUCKING CO., 13811 "L" St., Omaha, NE 68137. Representative: Karl E. Momsen (same address as applicant). Transporting (A) *electric cable,* from Omaha, NE, to points in CT, MA, and RI, and (B) *communications* and *telephone equipment, materials, supplies* and *such commodities* as are used in the installation, erection, and maintenance thereof, between Omaha, NE and Suffern, NY, restricted to the transportation of traffic originating at or destined to the facilities of Western Electric Co. (Hearing site: Omaha, NE, or Kansas City, MO.)

MC 125335 (Sub-96F), filed December 20, 1979. Applicant: GOODWAY TRANSPORT, INC., P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting *Foodstuffs* (except in bulk), from the facilities of M&M/

Mars, Snack-Master Division, at or near Albany, GA, to points in GA, FL, IL, IN, LA, MA, MD, MI, MN, MO, NC, NJ, OH, PA, TN, TX, and UT. (Hearing site: Albany, GA, or Harrisburg, PA.)

MC 127115 (Sub-15F), filed December 20, 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 carrier,* transporting (1) *frozen foods* and (2) *commodities* except from economic regulation when moving in mixed truckloads with frozen foods, (A) from points in CA, OR, or WA, to Salt Lake City, UT, and Boise, ID, and (2) between Salt Lake City, UT and Boise, ID, under continuing contract(s) with Booth Fisheries, Inc., of Salt Lake City, UT. (Hearing site: Salt Lake City, UT.)

MC 127115 (Sub-16F), filed December 20, 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 carrier,* transporting *meats, meat products, and meat by-products,* and *articles dealt in by meat packinghouses,* as described in Sections A and 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, Boise, ID, and Portland, OR, to points in Weber, Salt Lake, Davis, and Cache Counties, UT, and (2) from Hyrum, UT, to points in AZ, CO, ID, IA, NE, SD, TX, and WY, under a continuing contract(s) with Tri-miller Packing of Hyrum, UT. (Hearing site: Salt Lake City, UT.)

MC 128205 (Sub-90F), filed December 17, 1979. Applicant: BULKMATIC TRANSPORT COMPANY, a corporation, 12000 South Doty Ave., Chicago, IL 60628. Representative: Arnold L. Burke, 180 North LaSalle St., Chicago, IL 60601. Transporting *Phosphates, phosphate products, and phosphate by-products,* in bulk, from Riverdale, IL to points in IL, IA, IN, MI, OH, WI, MO, KS, NE, SD, ND, and MN. (Hearing site: Chicago, IL.)

MC 128964 (Sub-13F), filed December 17, 1979. Applicant: REES TRUCKING CO., INC., P.O. Box G, Houston, MO 65483. Representative: Herman W. Huber, 101 East High St., Jefferson City, MO 65101. Transporting *iron and steel articles,* from points in Lake, Porter, and LaPorte Counties, IN, and points in IL, to points in MO, AR, OK, points in KS within Kansas City, KS, commercial zone, and points in IL within the St. Louis, MO–IL commercial zone. (Hearing site: St. Louis, MO, or Jefferson City, MO.)

MC 133095 (Sub-286F), filed December 20, 1979. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, TX 76039. Representative: Ron Duncan (same address as applicant). Transporting (1) *salt and salt products,* and (2) *materials and supplies used in the agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries, when shipper in mixed loads with salt and salt products,* from the facilities of Morton Salt Company of Grand Saline, TX, to points in LA, AR, MO, OK, KS, and NM. (Hearing site: Dallas, TX.)

MC 133315 (Sub-7F), filed December 17, 1979. Applicant: ASBURY SYSTEM, 2222 E. 38th St., Los Angeles, CA 90058. Representative: Fred H. Mackensen, 9454 Wilshire Blvd., Suite 400, Beverly Hills, CA 90212. Transporting *jet fuels,* (in bulk, in tank vehicles), between Arnett, OK, Big Springs, TX, and Salina, KS, on the one hand, and, on the other, Los Angeles, CA. (Hearing site: Los Angeles, CA.)

MC 133655 (Sub-196F), filed December 17, 1979. Applicant: TRANS-NATIONAL TRUCK, INC., P.O. Box 31300, Amarillo, TX 79120. Representative: Warren L. Troupe, 2480 E. Commercial Blvd., Fort Lauderdale, FL 33308. Transporting *General commodities* (except in bulk), between points in the United States (except AK, and HI), restricted to the transportation of traffic originating at or destined to the facilities of Phillips Petroleum Company, Phillips Fibers Corporation, Phillips Chemical Company, and Phillips Products Company. The authority (to the extent it embraces classes A and B explosives or other dangerous commodities) is limited, in point of time, to 5 years from the effective date of the Certificate. (Hearing site: Chicago, IL.)

MC 133655 (Sub-197F), filed December 17, 1979. Applicant: TRANS-NATIONAL TRUCK, INC., P.O. Box 31300, Amarillo, TX 79120. Representative: Warren L. Troupe, 2480 E. Commercial Blvd., Fort Lauderdale, FL 33308. Transporting (1) *bakery racks,* from Broken Arrow, OK, to points in the United States (except AK, and HI), and (2) *equipment, materials, and supplies* used in the manufacture and distribution of bakery racks, in the reverse direction. (Hearing site: Chicago, IL.)

MC 133655 (Sub-199F), filed December 17, 1979. Applicant: TRANS-NATIONAL TRUCK, INC., P.O. Box 31300, Amarillo, TX 79120. Representative: Warren L. Troupe, 2480 E. Commercial Blvd., Fort Lauderdale, FL 33308. Transporting *cookies,* from Abilene, TX, to points in AL, CA, GA, TN, SC, KY, IN, and FL. (Hearing site: Chicago, IL.)

MC 133415(Sub-9F), filed December 17, 1979. Applicant: SNR DELIVERY, INC., 913 McKinley St., Peekskill, NY 10566. Representative: Roy A. Jacobs, 550 Mamaroneck Ave., Harrison, NY 10528. *Contract carrier,* transporting *Brake shoes,* between Cheshire, CT, on the one hand, and, on the other, New York, NY, and points in Suffolk and Westchester Counties, NY, under continuing contract(s) with Raybestos Friction Materials Company, of Trumbull, CT. (Hearing site: White Plains, NY.)

MC 134134 (Sub-54F), filed December 19, 1979. Applicant: MAINLINER MOTOR EXPRESS, INC., 4202 Dahlman Ave., Omaha, NE 68107. Representative: James F. Crosby, P.O. Box 37205, Omaha, NE 68137. Transporting *Aluminum sheet, coil, foil, and scrap,* from the facilities of Aluminum Company of America, at or near Lebanon, PA, to points in IL, IN, IA, KY, MI, MO, NE, OH, TN, and WI. (Hearing site: Pittsburgh, PA.)

MC 135234 (Sub-18F), filed December 20, 1979. Applicant: TRENCO, INC., 2109 Marydale Ave., P.O. Box 697, Williamsport, PA 17701. Representative: E. Stephan Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St. NW., Washington, DC 20001. *Contract carrier,* transporting (1) *electric cable and aluminum articles,* and (2) *materials, equipment and supplies* used in the manufacture and distribution of commodities in (1) above, (except commodities in bulk), between the facilities of Alcan Aluminum Corporation, at or near Sedalia, MO, on the one hand, and, on the other, points in the United States (except AK, and HI), under contract(s) with Alcan Aluminum Corporation, of Cleveland, OH. (Hearing site: Cleveland, OH.)

MC 135524 (Sub-87F), filed December 17, 1979. Applicant: G. F. TRUCKING CO., a corporation, P.O. Box 229, 1028 West Rayen Ave., Youngstown, OH 44501. Representative: George Fedorisin, 914 Salts Springs Rd., Youngstown, OH 44509. Transporting *lumber, lumber mill products, forest products, and wood products,* from points in ID, MT, OR, SD, WA, and WY, to those points in the United States and east of MO, AR, IA, LA, and MN. (Hearing site: Columbus, OH, or Portland, OR.)

MC 135524 (Sub-98F), filed December 20, 1979. Applicant: G. F. TRUCKING CO., a corporation, P.O. Box 229, 1028 West Rayen Ave., Youngstown, OH 44501. Representative: George Fedorisin, 914 Salts Springs Rd., Youngstown, OH 44509. Transporting (1) *gypsum, gypsum*

products, and building materials, and (2) *materials, equipment and supplies used in the manufacture, installation and distribution of commodities named in* (1) *above,* between the facilities of Georgia Pacific Corporation, at or near (a) Akron and Buchanan, NY, (b) Delair, NJ, (c) Milford, VA, (d) Quakertown, PA, and (e) Wilmington, DE, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Columbus, OH, or Philadelphia, PA.)

MC 135524 (Sub-99F), filed December 20, 1979. Applicant: G. F. TRUCKING CO., a corporation, P.O. Box 229, 1028 West Rayen Ave., Youngstown, OH 44501. Representative: George Fedorisin, 914 Salts Springs Rd., Youngstown, OH 44509. Transporting *lumber* from the facilities of Newman Lumber Company, at or near Gulfport, MS, to those points in the United States in and east of AL, IA, LA, MN, and MO. (Hearing site: Columbus, OH, or New Orleans, LA.)

MC 135524 (Sub-100F), filed December 20, 1979. Applicant: G. F. TRUCKING CO., a corporation, P.O. Box 229, 1028 West Rayen Ave., Youngstown, OH 44501. Representative: George Fedorisin, 914 Salts Springs Rd., Youngstown, OH 44509. Transporting *residential heating and cooling units,* from Elyria, OH, to points in the United States (except AK, and HI). (Hearing site: Columbus, or Cleveland, OH.)

MC 135524 (Sub-102F), filed January 2, 1980. Applicant: G. F. TRUCKING CO., a corporation, P.O. Box 229, 1028 West Rayen Ave., Youngstown, OH 44501. Representative: George Fedorisin, 914 Salts Springs Rd., Youngstown, OH 44509. Transporting *lumber, lumber mill products, forest products, wood products,* and *sawmill products,* from points in CA, ID, MT, OR, and WA, to points in the United States (except AK, and HI). (Hearing site: Columbus, OH or Portland, OR.)

MC 135185 (Sub-43F), filed December 19, 1979. Applicant: COLUMBINE CARRIERS, INC., P.O. Box 15246, 1720 East Garry Ave., Santa Ana, CA 92705. Representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. *Contract carrier,* transporting (1) *Paints, stains, varnishes, and polyurethane finishings* (except in bulk), from Flora, IL, to the facilities of Lehn and Fink Products Co., a Division of Sterling Drug, Inc., at or near Belle Mead, NJ; (2) *Disinfectants and deodorant compounds* (except in bulk), from Chicago and North Chicago, IL, to points in WA, CA, TX, NJ, FL, and OH; (3) *Cannisters,* from the facilities of Milton Can Co., at or near Cranbury, NJ, to Chicago and North Chicago, IL; and (4) *Sodium sulfate* in bags, from the facilities of International Salt Co. at or near Loveland, TN, and the facilities of Prior Chemical Co., at or near Kings Mountain and Bessemer City, NC, to Chicago and North Chicago, IL, under a continuing contract(s) with Lehn & Fink Products, Co., a Division of Sterling Drug, Inc., of Montvale, NJ. (Hearing site: New York City, NY, or Chicago, IL.)

MC 139485 (Sub-20F), filed December 19, 1979. Applicant: TRANS CONTINENTAL CARRIERS, a corporation, 2761 East White Star, Anaheim, CA 92803. Representative: David P. Christianson, 707 Wilshire Boulevard, Suite 1800, Los Angeles, CA 90017. *Contract carrier,* transporting *building materials,* between points in MD and PA, and those in Medina County and Cuyahoga County, OH, on the one hand, and, on the other, points in the United States (except AK, and HI), under a continuing contract(s) with Donn Products, Inc., of Westlake, OH. (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 139495 (Sub-511F), filed December 18, 1979. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Transporting *General commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in the United States (except AK, and HI), restricted to the transportation of traffic originating at or destined to the facilities of The Scott & Fetzer Company. (Hearing site: Washington, D.C.)

MC 139495 (Sub-512F), filed December 18, 1979. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal, KS 67901. Representative; Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Transporting *pipe, pipe fittings, castings, water and valve boxes and accessories,* from the facilities of The Central Foundry Company, at or near Holt, AL, to points in the United States (except AK, and HI). (Hearing site: Washington, DC.)

MC 139495 (Sub-513F), filed December 19, 1979. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Transporting *Meats, meat products, meat by-products, and articles distributed by meat packing houses,* from Palestine, TX, to points in the United States (except AK, and HI). (Hearing site: Washington, DC.)

MC 139615 (Sub-31F), filed December 12, 1979. Applicant: D. R. S. TRANSPORT, INC., P.O. Box 29, Oskaloosa, IA 52577. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting *pipe, fittings, valves, and hydrants, and materials and supplies used in the installation of the foregoing commodities* (except commodities in bulk), from the facilities of Clow Corporation, at or near Coshocton, OH, to points in the United States (except AK, and HI). (Hearing site: Chicago, IL.)

MC 140665 (Sub-83F), filed December 20, 1979. Applicant: PRIME, INC., Route 1, Box 115–B, Urbana, MO 65767. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266. Transporting *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 used by the Union Carbide Corporation, Corporate Distribution Center, in Chicago, IL, on the one hand, and, on the other, those points in the United States in and west of ND, SD, IA, MO, AR, and LA (except AK, and HI), restricted to traffic originating at or destined to the above facility. (Hearing site: Washington, DC, or Chicago, IL.)

MC 141804 (Sub-321F), filed December 17, 1979. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). Transporting *such commodities* as are dealt in or used by retail music stores and home entertainment stores, between points in the United States (except AK, and HI), restricted to the transportation of traffic originating at or destined to the facilities of Pickwick International and its vendors. (Hearing site: Los Angeles, CA.)

MC 143274 (Sub-5F), filed December 17, 1979. Applicant: BILLY P. RUPPE, d.b.a., RUPPE MOTOR LINES, 309 Kraft St., Gaffney, SC 29340. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687. *Contract carrier,* transporting (1) *bathroom cabinets, plastic articles, plastic materials,* and (2) *materials, equipment and supplies* used in the manufacture and sale of the commodities named in (1) above, between Norcross, GA, and Gaffney, Greenville, and Inman, SC, on the one hand, and, on the other, points in the United States (except AK, and HI), under a continuing contract(s) with

Southeastern-Kusan, Inc. (Hearing site: Greenville, SC.)

MC 143394 (Sub-2F), filed December 20, 1979. Applicant: GENIE TRUCKING LINE, INC., 70 Carlisle Springs Rd., P.O. Box 840, Carlisle, PA 17013. Representative: G. Kenneth Bishop (same address as applicant). *Contract carrier,* transporting *foodstuffs,* from the facilities of Knouse Foods, Inc. at points in Adams, Cumberland, Dauphin, Franklin and York counties, PA, to points in AL, FL, GA, LA, and MS, under a continuing contract(s) with Knouse Foods, Inc., of Peach Glen, PA. (Hearing site: Harrisburg, PA, or Washington, DC.)

MC 143775 (Sub-133F), filed December 18, 1979. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke (same address as applicant). Transporting (1) *Welding rods, castings, metal alloys, and electric welding machines* and (2) *parts, supplies and equipment used in the manufacture, sale, and distribution thereof,* between the facilities of Stoody Co., at or near City of Industry, CA, Santa Fe Springs, CA, Pittsburgh, PA, and Houston, TX, on the one hand, and, on the other, points in the United States (except AK, and HI). NOTE: Dual operations may be involved. (Hearing site: Los Angeles, or San Francisco, CA.)

MC 143775 (Sub-134F), filed December 18, 1979. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke (same address as applicant). Transporting *Toilet Preparations and Soap* (except in bulk), from Pittsburgh, PA, to LaMirada, CA, Atlanta, GA, Dallas, TX, Stamford, CT, and Chicago, IL, restricted to the transportation of traffic originating at or destined to the facilities of or used by Clairol, Inc. (Hearing site: New York City, NY, or Washington, DC.)

Note.—Dual operations may be involved.

MC 144805 (Sub-3F), filed December 19, 1979. Applicant: M–K TRUCKING, INC., 810 First St. South, Hopkins, MN 55343. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. *Contract carrier,* transporting (1) *Beehives,* from Polson, MT, to points in the United States (except AK, and HI) and (2) *Material, equipment and supplies* used in the manufacture of beehives, from points in the United States (except AK, and HI), to Polson, MT, under a continuing contract(s) with Western Bee Supplies, Inc., of Polson, MT. (Hearing site: Minneapolis, or St. Paul, MN.)

MC 147014 (Sub-2F), filed December 19, 1979. Applicant: TOM DONAHUE TRUCKING, INC., 2463 West St. Paul Ave., Milwaukee, WI 53233. Representative: Roger S. Bessey, 735 North Water St., Milwaukee, WI 53202. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods, commodities in bulk, and those requiring special equipment), restricted to transportation of traffic moving on bills of lading of freight forwarders as defined by the Commission, between Milwaukee, WI, and Chicago, IL. (Hearing site: Milwaukee, WI, and Chicago, IL.)

MC 147524 (Sub-2F), filed July 23, 1979. Applicant: SINED LEASING, INC., 108 High St., Mt. Holly, NJ 08060. Representative: John F. Gough, 17th Floor, 1234 Market St., Philadelphia, PA 19107. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *liquid sugar,* in bulk, (a) from Baltimore, MD, to Akron, Cleveland, Elyria, Youngstown, and Dayton, OH, Lynchburg, Hollins, and Roanoke, VA, Elkin, Winston-Salem, and Greensboro, NC, and Nitro, WV, (b) from Chicago, IL, to Dayton, Akron, Maple Heights, Athens, and Columbus, OH, and Detroit, MI, (c) from New York, NY, to Pittsburgh, PA, Chicago, IL, and Twinsburg, OH, (d) from Cincinnati, OH, to Dayton, OH, (e) from Yonkers, NY, to Cheverly, MD, (f) from Lafayette, IN, to Twinsburgh, OH, (h) from Argo, IL, to Cincinnati, Dayton, and Athens, OH, and (j) from Brooklyn, NY to Akron, Maple Heights, and Athens, OH, (2) *dry sugar,* in bulk, from New York, NY and Boston, MA, to Buffalo, NY, (3) *liquid corn syrup,* in bulk, (a) from Hammond, IN, to New York, NY, Fogelsville, PA, Baltimore, MD, and Frazer, PA, and (b) from Chicago, IL, to Fogelsville, NY, (4) *dry flour,* in bulk, from Buffalo, NY, to points in NH, CT, MA, PA, NJ, and MD, (5) *dry flour,* in bags, from Buffalo, NY, to New York, NY, and points in NJ and PA, and (6) *dry corn starch,* in bulk, from Hammond, IN, to Fogelsville, PA, under continuing contracts with (i) Beverage Management, Inc., of Columbus, OH, (ii) Revere Sugar Corp., of Brooklyn, NY, (iii) GCC Beverages, Inc., of Miami, FL, (iv) F & M Schaefer Brewing, Inc., of Fogelsville, PA, (v) Standard Milling Company, of Kansas City, MO, and (vi) American Maize Products Co., of Hammond, IN. (Hearing site: Philadelphia or Harrisburg, PA.)

MC 148435 (Sub-2F), filed December 17, 1979. Applicant: ED OCHYLSKI d.b.a. ERO TRANSIT LINES, P.O. Box 09093, 4224 S. Racine, Chicago, IL 60609. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting (1) *meats and meat products, meat by-products, and articles distributed by meat packinghouses,* as described in Sections A & C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), (1) from the facilities of The Illinois Meat Company, at or near Des Moines, IA and Chicago, IL, to points in MN, MO, IL, IN, IA, OH, PA, NY, MA, NJ, WI, NE, and MI; and (2) *packinghouse supplies and equipment* from points in MN, MO, IL, IN, IA, OH, PA, NY, MA, NJ, WI, NE, and MI, to the facilities of The Illinois Meat Company, at or near Des Moines, IA and Chicago, IL. (Hearing site: Chicago, IL, or Des Moines, IA.)

MC 148805 (Sub-1F), filed January 2, 1980. Applicant: POLAND SPRING LEASING CORPORATION, Poland Spring, ME 04274. Representative: Robert G. Parks, 20 Walnut Street, Suite 101, Wellesley Hills, MA 02181. To operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: (1) *Water,* in containers, and (2) *equipment, material and supplies* used in the bottling and distribution of water, between Poland Spring, ME, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, AR, and LA, under a continuing contract(s) with Poland Spring, Inc., of Poland Spring, ME. (Hearing site: Portland, ME.)

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Decided: Feb. 5, 1980.

By the Commission, Review Board Number 2, Members Eaton, Liberman, and Jensen. Member Jensen not participating.

MC 2934 (Sub-49F), filed September 6, 1979. Applicant: AERO MAYFLOWER TRANSIT CO., INC., 9998 North Michigan Road, Carmel, IN 46032. Representative: James L. Beattey, 130 East Washington Street, Suite One Thousand, Indianapolis, IN 46204. Transporting (1) *furniture and household fixtures,* and (2) *materials and supplies* used in the manufacture, installation, and distribution of the commodities in (1) above, (a) from the facilities of Triangle Pacific Corporation, at or near Union City, IN, to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, and RI; (b) from the facilities of Excel Wood Products, at or near (i) Lakewood, NJ, and (ii) Shelbyville, IN, to points in the United States (except AK and HI), (c) from the facilities of Yorktown Kitchen Cabinets, at or near York and Mifflinburg, PA, to those points in the United States in and east of TX, OK, KS,

NE, IA, and MN, and (3) from the facilities of Aristokraft, at or near Jasper, IN, to points in PA, NY, CT, MO, KS, AR, MA, MD and DC. (Hearing site: Indianapolis, IN.)

MC 5285 (Sub-8F), filed September 5, 1979. Applicant: BAYSE TRANSPORTATION SERVICE, INC., P.O. Box 1002, Salem, VA 24152. Representative: Charles W. Bayse (same address as applicant). Transporting (1) *industrial machinery* the transportation of which requires, by reason of size or weight, the use of special equipment, (2) *contractors' equipment, materials and supplies,* and (3) *storage vans,* between those points in VA on, south, and west of a line beginning at the VA–WV State line and extending along US Hwy 33 to junction US Hwy 29, and then along US Hwy 29 to the VA–NC State line, and points in WV, TN, and KY. (Hearing site: Roanoke, VA.)

MC 30844 (Sub-655F), filed September 7, 1979. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 5000, Waterloo, IA 50704. Representative: John P. Rhodes (same address as applicant). Transporting *iron and steel castings,* from Chicago, IL, and Milwaukee, WI, to Waterloo and Charles City, IA. (Hearing site: Chicago, IL.)

MC 53965 (Sub-164F), filed September 7, 1979. Applicant: GRAVES TRUCK LINE, INC., 2130 South Ohio, Post Office Drawer 1387, Salina, KS 67401. Representative: Bruce A. Bullock (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Ft. Worth, TX, and Amarillo, TX, over U.S. Hwy 287, serving no intermediate points, and serving Dallas, TX as an off-route point. (Hearing site: Dallas, TX.)

Note.—Applicant intends to tack this authority with presently held authority.

MC 60014 (Sub-146F), filed September 5, 1979. Applicant: AERO TRUCKING INC., Box 308, Monroeville, PA 15146. Representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Transporting (1) *iron and steel articles,* and (2) *materials, equipment and supplies* used in the manufacture and distribution of iron and steel articles, from the facilities of United States Steel Corporation, at (a) Fairfield, AL, and (b) Baytown, Garland, and Orange, TX, to those points in the United States in and east of MT, WY, CO, and NM. (Hearing site: Washington, DC.)

MC 60014 (Sub-150F), filed September 5, 1979. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 15146. Representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Transporting *hydraulic cylinders, and components* for hydraulic cylinders, from the facilities of Iowa Industrial Hydraulics, Inc., at Pocahontas, IA, to Franklin, PA. (Hearing site: Washington, DC.)

MC 61955 (Sub-26F), filed September 7, 1979. Applicant: CENTROPOLIS TRANSFER CO., INC., 701 North Sterline, Sugar Creek, MO 64054. Representative: Frank W. Taylor, Jr., Suite 600, 1211 Baltimore Avenue, Kansas City, MO 64105. Transporting *cement,* in bulk, from the facilities of Missouri Portland Cement, at Kansas City, MO, to Woodson, AR, and points in Grant and Jefferson Counties, AR. (Hearing site: Kansas City or St. Louis, MO.)

MC 82735(Sub-5F), filed July 27, 1979, previously noticed in the **Federal Register** issue of February 26, 1980. Applicant: HUDSON-BERGEN TRUCKING CO., a corporation, 200 Central Ave., Teterboro, NJ 07608. Representative: Charles J. Williams, 1815 Front St., Scotch Plains, NJ 07076. *Contract carrier,* transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the facilities of Marschall Warehouse Company, at Teterboro and South Hackensack, NJ, on the one hand, and, on the other, points in DE, IL, IN, ME, MD, MI NH, OH, VT, VA, WV, and DC, under continuing contract(s) with Marshall Warehouse Company, of Teterboro, NJ. (Hearing site: Newark, NJ, or New York, NY.)

Note.—This republication corrects the commodity description.

MC 97244 (Sub-3F), filed September 10, 1979. Applicant: MASS. TRANSPORTATION, INC., 187 Sidney Street, Cambridge, MA 02139. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Transporting (1) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the commission, and commodities requiring special equipment), between points in MA; (2) *liquid chocolate,* in bulk, from Mansfield, MA, to Philadelphia, PA and points in Richmond County, NY; (3) *corn syrup,* in bulk, from Boston, MA, to points in ME and NH; (4) *liquid sugar,* in bulk, between Boston, MA, and New York, NY; (5) *corn sweetners,* in bulk, from Boston, MA, to points in MA, ME, NH, VT, CT, and RI; and; (6) *vegetable oils and corn syrup,* in bulk, (a) from Cambridge, MA, to points in MA, ME, NH, CT, RI, NJ, NY, PA, and MD, and (b) from Elizabeth, NJ, to points in MA, ME, NH, CT, and RI. (Hearing site: Boston, MA.)

MC 106674 (Sub-67F), filed September 10, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). Transporting (1) *plastics, plastic articles, and facing tile,* (2) *materials, equipment, and supplies* used in the manufacture and installation of the commodities named in (1) above, between Overland Park, KS, Tustin, CA, Washington, IN, St. Louis, MO, and Xenia, OH, on the one hand, and, on the other, points in the United States, (except AK and HI). (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 110325 (Sub-109F), filed September 10, 1979. Applicant: TRANSCON LINES, P.O. Box 92220, Los Angeles, CA 90009. Representative: Frank W. Taylor, Jr., Midland Building, 1221 Baltimore Avenue, Kansas City, MO 64105. 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 Gibbons Creek Power Plant, at or near Carlos, TX as an off-route points in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Bryan or Houston, TX.)

MC 111375 (Sub-117F), filed September 7, 1979. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., P.O. Box 3358, Madison, WI 53704. Representative: Bernard J. Kompare, Suite 1600, 10 S. LaSalle Street, Chicago, IL 60603. Transporting *such commodities* as are dealt in or used by grocery, drug, and hardware business houses and retail chain stores (except commodities in bulk), from the facilities of Colgate-Palmolive Company, at or near Berkeley, CA, to points in OR and WA, restricted to the transportation of traffic originating at the above-named origins. (Hearing site: San Francisco, CA.)

MC 111545 (Sub-292F), filed September 10, 1979. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, GA 30065. Representative: Robert E. Born (same address as above). Transporting (1) *new construction, road-building, earth-moving, excavating, loading, maintenance logging, and mining equipment,* tractors (except truck tractors), *pipelayers, generators, internal combustion engines, and*

generator engines, (2) *accessories, attachments, and parts* for the commodities in (1) above, between Portsmouth, VA, on the one hand, and, on the other, points in the United States (including AK but excluding HI). (Hearing site: Chicago, IL, or Washington, PA.)

MC 112304 (Sub-214F), filed September 10, 1979. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: John D. Herbert (same address). Transporting (1)(a) *electric light poles and electric wire poles,* (b) *parts, accessories and supplies* used in the installation or operation of the commodities in (1)(a) from the facilities of K–W Industries, at Houston, TX, and (b) in Fort Bend County, TX, to points in the United States (except AK and HI), and (2) *equipment, materials and supplies* (except commodities in bulk) used in the manufacture or production of commodities in (1) above, in the reverse direction. (Hearing site: Houston, TX, or Washington, DC.)

MC 113974 (Sub-63F), filed September 5, 1979. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., a corporation, 211 Washington Avenue, Dravosburg, PA 15034. Representative: James D. Porterfield (same address as applicant). Transporting *lumber* and *composition board,* from points in Penobsot County, ME, to points in CT, DE, FL, GA, IN, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, SC, VT, VA, WV, and DC. (Hearing site: Washington, DC.)

MC 113974 (Sub-65F), filed September 5, 1979. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., a corporation, 211 Washington Avenue, Dravosburg, PA 15034. Representative: James D. Porterfield (same address as applicant). Transporting *sawmill machinery* and *parts* for sawmill machinery, from Concord, NH, to points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 114334 (Sub-66F), filed September 10, 1979. Applicant: BUILDERS TRANSPORTATION COMPANY, a corporation, 3710 Trulane, Memphis, TN 38116. Representative: Dale Woodall, 900 Memphis Bank Building, Memphis,TN 38103. Transporting *iron and steel articles,* from the facilities of Inland Steel Company, at East Chicago, IN, to points in AR, KY, MO, and TN. (Hearing site: Memphis, TN.)

MC 115954 (Sub-1F), filed September 7, 1979. Applicant: CARTER'S OF CLOQUET, INC., D/B/A CARTER TRUCKING DIVISION, Industry Avenue, Cloquet, MN 55720. Representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting *coal,* (1) from Duluth, MN, to those points in WI, on, west, and north of a line beginning at Hurley, WI, and extending along U.S. Hwy 51 to junction U.S. Hwy 8, and then along U.S. Hwy 8 to the WI–MN State line; and (2) from Superior, WI, to those points in MN, on and bounded by a line beginning at Onamia, MN and extending along MN Hwy 27 to junction U.S. Hwy 71, then along U.S. Hwy 71 to International Falls, MN, and then only U.S. Hwy 169 to Onamia. (Hearing site: Minneapolis, MN.)

MC 116254 (Sub-293F), filed September 7, 1979. Applicant: CHEM-HAULERS, INC., 118 East Mobile Plaza, Florence, AL 35630. Representative: Hampton M. Mills (same address as above). Transporting *chemicals,* in bulk, in tank vehicles, from the facilities of Witco Chemical Corporation (Argus Division), at Taft, LA, to points in AR, DE, IL, IN, KY, MA, MI, NJ, NY, NC, OH, PA, SC, TN, VA, and TX. (Hearing site: Nashville, TN, or Washington, DC.)

MC 116254 (Sub-294F), filed September 7, 1979. Applicant: CHEM-HAULERS, INC., 118 East Mobile Plaza, Florence, AL 35630. Representative: Hampton M. Mills (same address as above). Transporting (1) *cast iron pipe, fittings, valves, hydrants,* and *castings,* and (2) *accessories* and *parts,* for the commodities in (1) above, from the facilities of U.S. Pipe and Foundry, at Birmingham and Bessemer, AL, to points in IL, IN, MI, OH, and WI. (Hearing site: Nashville, TN, or Washington, DC.)

MC 116254 (Sub-295F), filed August 31, 1979. Applicant: CHEM-HAULERS, INC., 118 East Mobile Plaza, Florence, AL 35630. Representative: Hampton M. Mills (same address as above). Transporting *steel piping* and *pile driving equipment,* between the facilities of Mississippi Valley Equipment Company, Inc., at (a) Belle Chase, LA, (b) Darien, CT, (c) Jacksonville, FL, (d) St. Louis, MO, (e) Louisville, KY, (f) Denver, CO, (g) Ontario, CA, (h) Seattle, WA, (i) Chicago, IL, (j) Kansas City, KS, (k) Harvey, and Reserve, LA, (l) Southfield, MI, (m) Pittsburgh, PA, (n) Memphis, TN, and (o) Houston, TX, on the one hand, and, on the other, points in the United States (including AK, but except HI). (Hearing Site: Jacksonville, FL or Washington, DC.)

MC 118535 (Sub-145F), filed September 7, 1979. Applicant: TIONA TRUCK LINE, INC., 102 West Ohio, Butler, MO 64730. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting (1) *lead, lead products* and *containers,* from Anoka and Minneapolis, MN, to Lonoke, AR, and (2) *lead shot,* from Lonoke, AR, to Anoka, MN. (Hearing Site: Minneapolis, MN.)

MC 121664 (Sub-97F), filed September 6, 1979. Applicant: HORNADY TRUCK LINE, INC., P. O. Box 846, Monroeville, AL 36460. Representative: W. E. Grant, 1702 First Avenue South, Birmingham, AL 35201. Transporting *iron* and *steel articles* and *Aluminum articles,* from points in TX, LA, MS, AL, GA, MO, IL, TN, and IN, to Little Rock, AR. (Hearing site: Birmingham, AL.)

MC 123405 (Sub-73F), filed September 7, 1979. Applicant: FOOD TRANSPORT, INC., R. D. #1, Thomasville, PA 17364. Representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Transporting *cheese,* from the facilities, of Leprino Foods Company, at or near Horseheads and Waverly, NY, to points in FL, GA, IN, MD, MS, NC, OH, PA, SC, TN, TX, and VA, restricted to the transportation of traffic originating at the named origins and destined to the named destinations. (Hearing site: Washington, DC.)

MC 124835 (Sub-19F), filed September 5, 1979. Applicant: PRODUCERS TRANSPORT CO., a corporation, P. O. Box 4022, Chattanooga, TN 37405. Representative: David K. Fox (same as applicant). Transporting *chemicals,* in bulk, in tank vehicles, from Cartersville, GA, to those points in the United States, in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Atlanta, GA or Washington, DC.)

MC 129305 (Sub-3F), filed September 10, 1979. Applicant: D & L CORPORATION, P.O. Box 58, Provo, UT 84601. Representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over *irregular routes,* transporting *iron* and *steel articles* from points in CA, to points in UT and CO under continuing contract(s) with Brown-Strauss, division of Azcon Corp., of Pleasant Grove, UT. (Hearing site: Salt Lake City, UT.)

MC 135524 (Sub-59F), filed September 6, 1979. Applicant: G. F. TRUCKING CO., a corporation, P.O. Box 229, 1028 West Rayen Avenue, Youngstown, OH 44501. Representative: George Fedorisin, 914 Salts Springs Road, Youngstown, OH 44509. Transporting *lumber, particleboard, composition board, poles, piling, pallets, timbers, and crossties,* from Mobile, AL, New Orleans, LA and Baltimore, MD, to those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Columbus, OH or Washington, DC.)

MC 135524 (Sub-65F), filed September 6, 1979. Applicant: G. F. TRUCKING CO., a corporation, P.O. Box 229, 1028 West Rayen Avenue, Youngstown, OH 44501. Representative: George F. Fedorisin, 914 Salts Springs Road, Youngstown, OH 44509. Transporting (1) *precut log and wooden buildings, knocked down,* and (2) *materials and supplies* used in the construction, installation and erection of the commodities in (1) above, from the facilities of Real Log Homes, near Missoula, MT, on the one hand, and on the other, those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Columbus, OH, or Billings, MT.)

MC 138875 (Sub-237F), filed September 5, 1979. Applicant: SHOEMAKER TRUCKING COMPANY, a corporation, Boise, ID 83705. Representative: F. L. Sigloh (same address as applicant). Transporting *diatomaceous earth and ground clay* (except commodities in bulk), from points in OR, to points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, and WY. (Hearing site: Boise, ID, or Washington, DC.)

MC 138875 (Sub-238F), filed September 5, 1978. Applicant: SHOEMAKER TRUCKING COMPANY, a corporation, 11900 Franklin Road, Boise, ID 83705. Representative: F. L. Sigloh (same address as applicant). Transporting *dehydrated potatoes* (except in bulk), from Rupert, ID, to the facilities used by Ore-Ida Foods, Inc., at or near Plover, WI, restricted to the transportation of traffic originating at the named origin and destined to the named destinations. (Hearing site: Boise, ID, or Washington, DC.)

MC 138875 (Sub-239F), filed September 5, 1979. Applicant: SHOEMAKER TRUCKING COMPANY, a corporation, 11900 Franklin Road, Boise, ID 83705. Representative: F. L. Sigloh (same address as applicant). Transporting *adhesives, caulking, cement, and cleaning compounds, mastic emulsions, sealing material and solvents* (except commodities in bulk), from points in IL, to points in AZ, CA, ID, MT, NV, OR, UT, and WA. (Hearing site: Boise, ID, or Washington, DC.)

MC 138875 (Sub-240F), filed September 5, 1979. Applicant: SHOEMAKER TRUCKING COMPANY, a corporation, 11900 Franklin Road, Boise, ID 83705. Representative: F. L. Sigloh (same address as applicant). Transporting *pulpboard, fibreboard, and boxes,* from the facilities of Container Corporation of America, at points in CA, to points in Umatilla and Malheur Counties, OR, and points in ID and UT, restricted to the transportation of traffic originating at the named origins and destined to the named destinations. (Hearing site: San Francisco, CA, or Boise, ID.)

MC 138875 (Sub-241F), filed September 5, 1979. Applicant: SHOEMAKER TRUCKING COMPANY, a corporation, 11900 Franklin Road, Boise, ID 83705. Representative: F. L. Sigloh (same address as applicant). Transporting (1) *chemicals,* and (2) *materials* and *supplies* used in the manufacture, installation and distribution of roofing and energy conservation product, from points in CA, to points in ID. (Hearing site: Boise, ID, or Washington, DC.)

MC 139395 (Sub-8F), filed September 10, 1979. Applicant: BULK TRANSIT CORP., 7177 Industrial Parkway, Plain City, OH 43064. Representative: Andrew Jay Burkholder, 275 East State Street, Columbus, OH 43215. Transporting *lime,* in bulk, from points in Knox County, TN, to Carrollton, KY, and those points in OH and IN south of U.S. Highway 30. (Hearing site: Columbus, OH.)

MC 139495 (Sub-480F), filed September 6, 1979. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Transporting *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, from the facilities of Illini Beef Packers, Inc., at or near Geneseo and Joslin, IL to points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 139495 (Sub-482F), filed September 7, 1979. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Transporting *such commodities* as are dealt in or used by grocery, food business, and agricultural feed business houses (except commodities in bulk), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Ralston Purina Company. (Hearing site: Washington, DC.)

MC 140484 (Sub-61F), filed September 10, 1979. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, 2671 East Edison Avenue, Fort Myers, FL 33902. Representative: Frank T. Day (same address as applicant) Transporting *flour* and *donut sugar topping* (except commodities in bulk), from the facilities of The Pillsbury Company, at or near Martel, OH, to Fort Lauderdale, Hollywood, Miami, and Orlando, FL. (Hearing site: Minneapolis, MN, or Washington, DC.)

MC 141675 (Sub-6F), filed September 4, 1979. Applicant: ECONOMY TRUCKING SERVICE, INC., 1079 West Side Avenue, Jersey City, NJ. Representative: Arthur Liberstein, 888 Seventh Avenue, New York, NY 10019. To operate as a *contract carrier,* by motor vehicle in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by department stores (except commodities in bulk), between New York, NY, and points in NJ, CT, and MA, on the one hand, and, on the other, Shreveport, Baton Rouge, and Minden, LA, under continuing contract(s) with a Selber Brothers, Inc., (b) Goudchaux's, Inc. and (c) West & Company of La., Inc., Gibson Products Co. (Hearing site: New York, NY.)

MC 142935 (Sub-9F), filed September 7, 1979. Applicant: PLASTIC EXPRESS, a Corporation, 2999 La Jolla Street, Anaheim, CA 92806. Representative: Richard C. Celio, 1415 W. Garvey Avenue, Suite 102, West Covina, CA 91790. Transporting *petroleum products,* from points in Los Angeles and Orange Counties, CA, to points in AZ and NV. (Hearing site: Los Angeles, CA.)

MC 143775 (Sub-112F), filed September 6, 1979. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ. 85301. Representative: Michael R. Burke (same address as applicant). Transporting plastic pellets, *plastic granules and plastic flakes* (except commodities in bulk), from Houston and Beaumont, TX, to points in CA, UT, NV, OR, and WA. (Hearing site: Dallas, TX, or Washington, DC.)

Note.—Dual operations may be involved.

MC 143775 (Sub-113F), filed September 7, 1979. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. Transporting *general commodities,* (except classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), in vehicles equipped with mechanical refrigeration, between the facilities of Baltimore Shippers and Receivers Association, Inc., at Baltimore, MD, 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 AK and HI). (Hearing site: Phoenix, AZ.)

Note.—Dual operations may be involved.

MC 144345 (Sub-15F), filed September 6, 1979. Applicant: DON'S FROZEN EXPRESS, INC., 3820 Airport Way, Caldwell, ID 83605. Representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. Transporting (1) *foodstuffs, foodstuff containers, and supplies* used in the packaging of foodstuffs, in vehicles equipped with mechanical refrigeration, between the storage facilities of J. R. Simplot Company, at (a) Hermiston, OR, (b) Caldwell, Nampa, Burley, Aberdeen, Idaho Falls and Heyburn, ID, and (c) Clearfield, UT, on the one hand, and, on the other, points in AZ, CA, NV, UT, ID, and WA. (Hearing site: Boise, ID.)

MC 144635 (Sub-1F), filed September 6, 1979. Applicant: H AND S TRANSFER, INC., 710 Stony Hollow Boulevard, Steubenville, OH 43952. Representative: Andrew Jay Burkholder, 275 East State Street, Columbus, OH 43215. Transporting (1) *iron and steel articles* and (2) *equipment, materials and supplies* used in the manufacture of iron and steel and iron and steel articles, between points in Weirton, WV, and Steubenville, OH, on the one hand, and, on the other, points in OH, IN, MI, IL, and KY. (Hearing site: Columbus, OH.)

MC 145664 (Sub-13F), filed September 6, 1979. Applicant: STALBERGER, INC., 223 South 50th Avenue West, Duluth, MN 55806. Representative: John M. LeFevre, 4610 IDS Center, Minneapolis, MN 55403. To operate as a *common carrier*, by motor vehicle, in foreign commerce only, over irregular routes, transporting *plywood* and *laminated panels*, from the port of entry on the United States-Canada international boundary line, at or near Grand Portage, MN, to points in MN, KS, MI, NC, CA, IL, MD, VA, TN, IN, PA, OH, and WI. (Hearing site: Minneapolis or Duluth, MN.)

MC 146005 (Sub-1F), filed September 7, 1979. Applicant: BUTLER TRUCKING COMPANY, P.O. Box 88, Woodland, PA 16881. Representative: E. Steward Butler (same address as applicant). To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over *irregular routes*, transporting *lumber and lumber products*, between points in PA, VA, NC, SC, WV, KY, TN, IL, MA, CT, RI, VT, and NH, under continuing contract(s) with Matson Lumber Company, of Brookville, PA. (Hearing site: Pittsburgh, PA, or Washington, DC.)

Note.—Dual operations may be involved.

MC 146875 (Sub-3F), filed September 5, 1979. Applicant: K. & L. GRAIN, INC., R. R. 2, Box 32A, Franklin, IN 46131. Representative: Richard E. Aikman, Jr., 300 Merchants Bank Building, Indianapolis, IN, 46204. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over *irregular routes*, transporting *dry fertilizer*, from the facilities of Smith-Douglas Division of Borden Chemical, Borden, Inc., at Streator, IL, to points in IN, under continuing contract(s) with Smith-Douglas Division of Borden Chemical, Borden, Inc., of Norfolk, VA. (Hearing site: Indianapolis, IN.)

MC 147505 (Sub-2F), filed September 10, 1979. Applicant: WILLIAM H. MARTIN, d.b.a. MARTIN TRUCKING, Route 3, Box 75, Council Bluffs, IA 51501. Representative: James F. Crosby, P.O. Box 37205, Omaha, NE 68137. Transporting *carbonated beverages*, from Omaha, NE, to points in MN, ND, SD, IA, and WI. (Hearing site: Omaha, NE.)

MC 148085 (Sub-1F), filed September 10, 1979. Applicant: M. LOWENSTEIN & SONS, INC., P.O. Box 10352, Rock Hill, SC 29730. Representative: Robert J. Gallagher, 1000 Connecticut Avenue NW., Suite 1200, Washington, DC. 20036. Transporting: *chemicals*, from the facilities of Pfister Chemical, Inc., at Newark and Ridgefield, NJ, to Charlotte, NC. (Hearingsite: Charleston, SC.)

MC 148255F, filed September 10, 1979. Applicant: FLORIDA-EASTERN U.S. VAN LINES, INC., 215 Wood Street, Conshohocken, PA. Representative: Robert J. Gallagher, Esq., 1000 Connecticut Ave., N.W., Suite 1200, Washington, DC 20036. Transporting *household goods*, as defined by the Commission, between points in Philadelphia, Delaware, Chester, Montgomery, Bucks, Northampton, Lehigh, Berks, Lebanon, Lancaster, and Dauphin Counties, PA, points in NJ (except points in Sussex, Passaic and Bergen Counties), and points in New Castle County, DE, on the one hand, and, on the other, points in FL, GA, SC, and NC. (Hearing site: Philadelphia, PA, or Washington, DC.)

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Decided: March 4, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 2934 (Sub-50F), filed September 25, 1979. Applicant: AERO MAYFLOWER TRANSIT CO., INC., 9998 North Michigan Road, Carmel, IN 46032. Representative: James L. Beattey, 130 East Washington Street, Suite 1000, Indianapolis, IN 46204. Transporting *new furniture*, from points in Worcester County, MA, to points in AL, AR, IA, KS, LA, MI, MN, MS, MO, OH, TX, and WI. (Hearing site: Indianapolis, IN.)

MC 4405 (Sub-615F), filed September 24, 1979. Applicant: DEALERS TRANSIT, INC., P.O. Box 236, Tulsa, OK 74101. Representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, ND 58126. Transporting *incinerators, stacks, and parts* for incinerators and stacks, from the facilities of Consumat Systems, Inc., at or near Mechanicsville, VA, to points in the United States (except AK and HI). (Hearing site: Richmond, VA, or Washington, DC.)

MC 8544 (Sub-39F), filed September 24, 1979. Applicant: GALVESTON TRUCK LINE CORPORATION, 7415 Wingate, Houston, TX 77011. Representative: Joe G. Fender, 711 Louisiana, Suite 1150, Houston, TX 77002. Transporting *rubber*, and *rubber compounds*, from Port Neches, TX, to Stillwater, OK. (Hearing site: Dallas or Houston, TX.)

MC 13134 (Sub-73F), filed September 20, 1979. Applicant: GRANT TRUCKING, INC., P.O. Box 256, Oak Hill, OH 45656. Representative: David A. Turano, 100 East Broad Street, Columbus, OH 43215. Transporting *iron and steel articles*, from the facilities of Kentucky Electric Steel Co., at or near Coalton, KY, to points in AR, CA, CO, CT, DE, FL, ID, KS, ME, MD, MA, MT, NE, NV, NH, NJ, NM, NY, ND, OR, RI, SD, UT, VT, WA, WY, and DC. (Hearing site: Columbus, OH, or Charleston, WV.)

MC 30605 (Sub-166F), filed September 24, 1979. Applicant: THE SANTA FE TRAIL TRANSPORTATION COMPANY, a corporation, 433 East Waterman St., Wichita, KS 67202. Representative: J. M. Bourk (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Tyrone, NM, Holloman AFB, NM, and White Sands Missile Range, NM, as off-route points in connection with applicant's authorized regular-route operations. (Hearing site: Denver, CO.)

MC 52704 (Sub-250F), filed September 25, 1979. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., Post Office Drawer H, LaFayette, AL 36862. Representative: Archie B. Gulbreth, 2200 Century Parkway, Suite 202, Atlanta, GA 30345. Transporting (1) *plastic containers, preforms*, and *base cups* for plastic containers, and (2) *materials, equipment and supplies* used in the manufacture and distribution of commodities in (1) above, (except

commodities in bulk), between ponts in AL, AR, FL, GA, KY, LA, MS, MC, OK, SC, TN, TX, VA and WV, restricted to the transportation of traffic originating at or destined to the facilities of INCON, a Division of The Glass Container Group of Indian Head, Inc. (Hearing site: Atlanta, GA.)

MC 60014 (Sub-151F), filed September 23, 1979. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 15146. Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. Transporting *metal roof deck, metal siding, iron and steel articles, and accessories used in the installation of metal roof deck and siding,* from the facilities of the Vulcraft Division, Nucor Corporation, at or near Grapeland and Jewett, TX, St. Joe, IN, Norfolk, NE, Charlotte, MC, Florence, SC, and Ft. Payne, AL, to points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 105045 (Sub-117F), filed September 21, 1979. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, IN 47701. Representative: Paul F. Sullivan, 711 Washington Building, Washington, DC 20005. Transporting (a) *aluminum and aluminum products,* from the facilities of Reynolds Metal Company, at Eastman, GA, to points in AL, AR, AZ, CA, FL, IL, IN, KY, LA, MS, MO, NV, NJ, MC, OK, SC, and TX, and (b) *equipment, materials, and supplies* (except commodities in bulk), in the reverse direction. (Hearing site: Washington, DC.)

MC 109725 (Sub-13F), filed September 24, 1979. Applicant: K. F. CROCKER TRANSPORTATION COMPANY, INC., Jewell Hill Road, Ashby, MA 01431. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103. Transporting *wood chips, in bulk,* from points in Cheshire and Hillsborough Counties, NH, to Ticonderoga, NY. (Hearing site: Boston, MA, or Washington, DC.)

MC 110525 (Sub-1309F), filed September 20, 1979. Applicant: CHEMICAL LEAMON TANK LINES, INC., 520 East Lancaster Ave., Downingtown, PA 19335. Representative: Thomas J. O'Brien (same address as applicant). Transporting (a) *chemicals,* in bulk, in tank vehicles, from the facilities of Union Carbide Corporation, at or near North Seadrift, TX, to points in the United States (except AK and HI), and (b) *acids, chemicals and petroleum products,* in bulk, in tank vehicles, from points in the United States (except AK and HI), to the facilities of Union Carbide Corporation at or near North Seadrift, TX. (Hearing site: Houston, TX.)

MC 110525 (Sub-1312F), filed September 21, 1979. Applicant: CHEMICAL LEAMON TANK LINES, INC., 520 East Lancaster Ave., Downingtown, PA 19335. Representative: Thomas J. O'Brien (same address as applicant). Transporting (a) *acids and chemicals, in bulk, in tank vehicles, from the facilities of Union Carbide Corporation, at or near Brownsville, TX, to points in the United States (except AK and HI), and (b) acids, chemicals and petroleum products,* in bulk, in tank vehicles, from points in the United States (except AK and HI), to the facilities of Union Carbide Corporation, at or near Brownsville, TX. (Hearing site: Houston, TX.)

MC 113855 (Sub-499F), filed September 24, 1979. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, MN 55901. Representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, ND 58126. Transporting (1) *contractor's construction and mining machinery, equipment, materials, supplies and parts* (except commodities in bulk), between Pocatello, ID, on the one hand, and, on the other, points in AR, KS, LA, OK, and TX, (2) *materials, equipment and supplies* (except commodities in bulk) used in the manufacture and distribution of the commodities in (1) above, in the reverse direction. (Hearing site: Salt Lake City, UT.)

MC 114284 (Sub-83F), filed September 20, 1979. Applicant: FOX-SMYTHE TRANSPORTATION CO., a corporation, 1700 S. Portland, P.O. Box 82307, Oklahoma, City, OK 73108. Representative: John E. Jandera, 641 Harrison St., Topeka, KS 66603. Transporting *meats, meat products, meat by-products* and *articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, (except hides, skins, and commodities in bulk), from the facilities of Wilson Foods Corporation, at Omaha, NE, to points in OK, and TX, restricted to the transportation of traffic originating at the above named origin and destined to the named destinations. (Hearing site: Dallas, TX, or Kansas City, MO.)

MC 116544 (Sub-180F), filed September 20, 1979. Applicant: ALTRUK FREIGHT SYSTEMS, INC., 1703 Embarcadero Road, Palo Alto, CA 94303. Representative: Richard G. Lougee, P.O. Box 10061, Palo Alto, CA 94303. Transporting (1) *malt beverages,* from the facilities of Miller Brewing Company, in Albany, GA, to points in AR, FL, IL, IA, KS, LA, MN, MS, MO, OK, TX, and WI, and (2) *materials, equipment and supplies* used in the manufacture of malt beverages in the reverse direction. Condition: The person who appears to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. § 11343(a)(1978) or submit an affidavit indicating why such approval is unnecessary. Affidavits are due 20 days from the date of publication. (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 119765 (Sub-93F), filed September 24, 1979. Applicant: EIGHT WAY XPRESS, INC., 5402 South 27th St., Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. Transporting *meats, meat products, meat by-products, and articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, (except hides, and commodities in bulk), from the facilities of Union Packing Company, of Omaha, at Omaha, NE, to points in CA, FL, GA, KS, LA, MD, MA, ME, MO, NH, NJ, NY, OH, OK, and PA. (Hearing site: Omaha, NE.)

MC 119894 (Sub-15F), filed September 20, 1979. Applicant: BOWARD TRUCK LINE, INC., 104 Azar Bldg., Glen Burnie, MD 21061. Representative: M. Bruce (same address as applicant). Transporting *electric lamps* and *lighting equipment,* from the facilities of the General Electric Company, Lamp Division, at or near Winchester and Kernstown, VA, to Staunton, VA. (Hearing site: Winchester, VA.)

Note.—Applicant intends to tack at Staunton VA to provide a through service to points in NC and SC. The purpose is to substitute single-line service for existing joint-line service.

MC 119974 (Sub-87F), filed September 20, 1979. Applicant: L. C. L. TRANSIT COMPANY, a corporation, 949 Advance St., Green Bay, WI 54304. Representative: L. F. Abel, P.O. Box 949, Green Bay, WI 54305. Transporting *meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Wilson Foods Corporation, at Omaha, NE, to points in IL, IN, IA, KY, MI, MN, MO, OH, and WI, restricted to the transportation of traffic originating at the above named

origin and destined to the above named destinations. (Hearing site: Dallas, TX, or Kansas City, MO.)

MC 121654 (Sub-34F), filed September 24, 1979. Applicant: COASTAL TRANSPORT & TRADING CO., a corporation, P.O. Box 7438, Savannah, GA 31408. Representative: Alan E. Serby, 3390 Peachtree Road, NE., 5th Floor, Lenox Towers South, Atlanta, GA 30326. Transporting (1) *roofing and building materials*, and (2) *materials, equipment and supplies* used in the manufacture, installation and distribution of roofing and building materials, between the facilities of Georgia-Pacific Corporation, Gypsum Division, at or near Hampton, GA, on the one hand, and, on the other, points in AL, FL, GA, KY, LA, MS, NC, SC, TN, and VA. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. § 11343(a)(1978), or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Atlanta, Ga.)

Note.—Dual operations may be involved.

MC 121664 (Sub-98F), filed September 25, 1979. Applicant: HORNADY TRUCK LINE, INC., P.O. Box 846, Monroeville, AL 36460. Representative: W. E. Grant, 1702 First Avenue South, Birmingham, AL 35201. Transporting (1) *pipe, fittings, valves, hydrants*, and (2) *materials and supplies* used in installation of the commodities in (1) above, from the facilities of the Clow Corporation, at Columbia, MO, to those points in the United States in and east of ND, SD, NE, KA, OK, and TX. (Hearing site: Birmingham, AL.)

MC 123294 (Sub-70F), filed September 21, 1979. Applicant: WARSAW TRUCKING CO., INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). Transporting *corrugated paper products*, from the facilities of Akers Packaging Service, Inc., at Chicago, IL, to Florence, KY, and points in IN and OH. (Hearing site: Chicago, IL.)

MC 124554 (Sub-37F), filed September 20, 1979. Applicant: LANG CARTAGE CORP., P.O. Box 1465, Waukesha, WI 53187. Representative: Richard C. Alexander, 710 N. Plankinton Avenue, Milwaukee, WI 53203. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such merchandise* as is dealt in by retail mail order houses, (1) from Waukesha, WI, to points in Boone, Lake, McHenry, and Winnebago Counties, IL; and (2) from the facilities of Stanley Home Products, Inc., at Dubuque, IA, to points in Aitkin, Becker, Beltrami, Big Stone, Cass, Chippewa, Clay, Clear Water, Cook, Crow Wing, Douglas, Grant, Hubbard, Itasca, Kittson, Koochiching, Lac Qui Parle, Lake, Lake of the Woods, Lincoln, Lyon Mahnomen, Marshall, Murray, Nobles, Norman, Otter Tail, Pennington, Pipestone, Polk, Red Lake, Rock, Roseau, Stevens, Swift, Traverse, Wadena, Wilkin, and Yellow Medicine Counties, MN, under continuing contract(s) with Stanley Home Products, Inc., of Dubugue, IA. (Hearing site: Chicago, IL.)

MC 124554 (Sub-38F), filed September 19, 1979. Applicant: LANG CARTAGE CORP., P.O. Box 1465, Waukesha, WI 53187. Representative: Richard C. Alexander, 710 N. Plankinton Avenue, Milwaukee, WI 53203. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paper and paper products, packaging supplies, and industrial, institutional, and commercial cleaning and maintenance supplies*, (1) from La Crosse, WI, to points in IA and MN; and (2) from Rochester, MN, to points in IA and WI; restricted, in (1), above, to transportation under continuing contract(s) with Schilling Paper Co., of La Crosse, WI, and in (2) above, to transportation under continuing contract(s) with Dieter Paper Co., of Rochester, MN. (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 127745 (Sub-6F), filed September 20, 1979. Applicant: GEORGE B. KING, d.b.a. KING TRANSFER, 714 Pearl Street, Onawa, IA 51040. Representative: Robert A. Wichser, P.O. Box 417, Sioux City, IA 51102. Transporting (1) *farm machinery, implements, and equipment*, from Onawa and Smithland, IA, to points in CO, IL, IN, IA, MI, MN, MO, MT, ND, SD, WA and WI, and (2) *materials, supplies, and equipment* used in the manufacture and distribution of the commodities in (1) above, in the reverse direction. (Hearing site: Omaha, NE, or Washington, D.C.)

MC 129704 (Sub-5F), filed September 21, 1979. Applicant: CLARENCE B. BLANKENSHIP, d.b.a. TROY CAB CO., 2136 Burdic, Troy, MI 48084. Representative: Robert E. McFarland, 999 West Big Beaver Road, Suite 1002, Troy, MI 48080. Transporting *auto parts, and materials, supplies, and equipment* used in the manufacture of motor vehicles, between points in Wayne, Macomb, Oakland, St. Clair, Washtenaw, Monroe, and Ionia Counties, MI, on the one hand, and, on the other, the facilities of TRW, Inc., at or near Greenville, NC, restricted to the movement of shipments not exceeding 1,500 pounds in weight from one consignor to one consignee in a single day. (Hearing site: Detroit, MI, or Washington, D.C.)

MC 133655 (Sub-184F), filed September 20, 1979. Applicant: TRANS-NATIONAL TRUCK, INC., P.O. Box 31300, Amarillo, TX 79120. Representative: Warren Troupe, 2480 E. Commercial Blvd., Fort Lauderdale, FL 33308. Transporting *foodstuffs* (except in bulk), between Stillwater, OK, on the one hand, and, on the other, points in AL, CA, FL, GA, IL, KS, KY, LA, MI, MS, MO, OH, OR, TN, TX, and WA. (Hearing site: Chicago, IL.)

MC 134235 (Sub-25F), filed September 20, 1979. Applicant: KUHNLE BROTHERS, INC., P.O. Box 375, Newbury, OH 44065. Representative: Ronald W. Malin, Bankers Trust Building, Jamestown, NY 14701. Transporting (a) *salt and salt products*, from Silver Springs, NY, to points in NC and SC, (b) *salt and salt products, in packages*, from Silver Springs, NY, to points in CT, ME, MD, MA, NH, NJ, NY, PA, RI, VA and WV, (c) *salt and salt products*, from Fairport Harbor, OH, to points in CT, ME, MD, MA, the Upper Peninsula of MI, NH, NJ, NY, NC, RI, SC, and VA, and (d) *salt and salt products*, from Rittman, OH, to points in CT, IN, KY, ME, MD, MA, MI, NH, NJ, NY, NC, RI, SC, VA, and WV. (Hearing site: Buffalo, NY, or Cleveland, OH.)

MC 136315 (Sub-87F), filed September 21, 1979. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 28, Philadelphia, MS 39350. Representative: Fred W. Johnson, Jr., P.O. Box 22628, Jackson, MS 39205. Transporting (1) *roofing and roofing materials*, (except commodities in bulk, in tank vehicles), from the facilities of Masonite Corporation-Roofing Division, at or near Meridian, MS, to points in NC, SC, VA, and WV, and (2) *equipment, materials, and supplies used in the manufacture and distribution of roofing and roofing materials*, (except commodities in bulk, in tank vehicles), in the reverse direction, restricted to the transportation of traffic originating at or destined to the facilities of Masonite Corporation-Roofing Division. (Hearing site: Jackson, MS, or Washington, DC.)

Note.—Dual operations may be involved.

MC 136315 (Sub-88F), filed September 21, 1979. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 28, Philadelphia, MS 39350. Representative: Fred W. Johnson, Jr., P.O. Box 22628, Jackson, MS 39205. Transporting (1) *concrete roofing tile and accessories* therefor, from the facilities of National Tile Industries, Inc., in Pottowatomie

County, OK, to those points in the United States in and east of TX, OK, KS, NE, SD, and ND, and (2) *materials, equipment and supplies used in the manufacture and distribution of the commodities* in (1) above, in the reverse direction. (Hearing site: Oklahoma City, OK, or Washington, DC.)

Note.—Dual operations may be involved.

MC 136315 (Sub-89F), filed September 24, 1979. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 28, Philadelphia, MS 39350. Representative: Fred W. Johnson, Jr., P.O. Box 22628, Jackson, MS 39205. Transporting (1) *building and roofing materials, and materials, equipment and supplies used in the installation thereof,* (except in bulk, in tank vehicles), from the facilities of Tamko Asphalt Products, at or near (a) Frederick, MD, (b) Joplin, MO, (c) Phillipsburg, KS; and (d) Tuscaloosa, AL, to those points in the United States in and east of TX, OK, KS, NE, SD, and ND (except ME, VT, and NH), and (2) *materials, equipment and supplies* used in the manufacture and distribution of commodities in (1) above, (except in bulk, in tank vehicles), in the reverse direction. (Hearing site: Kansas City, KS, or Washington, DC.)

Note.—Dual operations may be involved.

MC 136545 (Sub-29F), filed September 23, 1979. Applicant: NUSSBERGER BROS. TRUCKING CO., INC., 929 Railroad Street, Prentice, WI 54556. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, WI 53705. Transporting (1)(a) *pulpwood slashers,* and (b) *hydraulic loader grapples and material handling forks,* from the facilities of S & L Manufacturing Corp., at or near Ogema, WI, to points in the United States (except AK and HI), and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above, in the reverse direction. (Hearing site: Milwaukee, WI, or Minneapolis, MN.)

MC 140484 (Sub-58F), filed September 20, 1979. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, 2671 Edison Ave., Fort Myers, FL 33902. Representative: Frank T. Day (same address as applicant). Transporting *computer scales and parts and accessories* thereof (except commodities which because of size or weight require the use of specialized equipment), between the facilities of Reliance Electric Company, at or near Columbus and Worthington, OH, on the one hand, and on the other Charlotte, NC, and Spartanburg, SC. (Hearing site: Cleveland, OH, or Washington, DC.)

MC 140755 (Sub-70F), filed September 24, 1979. Applicant: BRAY TRANSPORTS, INC., P.O. Box 270, 1401 N. Little Street, Cushing, OK 47023. Representative: Dudley G. Sherrill (same address as applicant). Transporting *alcohol,* from Kansas City, MO, to Wichita, KS. (Hearing site: Wichita, KS, or Kansas City, MO.)

MC 140755 (Sub-71F), filed September 24, 1979. Applicant: BRAY TRANSPORTS, INC., P.O. Box 270, 1401 N. Little Street, Cushing, OK 47023. Representative: Dudley G. Sherrill (same address as applicant). Transporting *alcohol,* from Decatur, IL, to points in KS. (Hearing site: Topeka, KS, or Kansas City, MO.)

MC 141205 (Sub-32F), filed September 21, 1979. Applicant: HUSKY OIL TRANSPORTATION COMPANY, a corporation, 600 South Cherry Street, Denver, CO 80222. Representative: F. Robert Reeder, James M. Elegante, P.O. Box 11898, Salt Lake City, UT 84147. *Contract carrier* transporting *crude oil, scrubber oil and condensate,* from points in Moffat, Routt, Rio Blanco, Garfield and Mesa Counties, CO, to the Husky Oil Refinery, at North Salt Lake, UT, under continuing contract(s) with Husky Oil Company, of Denver, CO. (Hearing site: Denver, CO.)

MC 141205 (Sub-33F), filed September 21, 1979. Applicant: HUSKY OIL TRANSPORTATION COMPANY, a corporation, 600 South Cherry Street, Denver, CO 80222. Representative: F. Robert Reeder, James M. Elegante, P.O. Box 11898, Salt Lake City, UT 84147. *Contract carrier* transporting *crude oil, scrubber oil and condensate,* from points in Fall River, Perkins and Harding Counties, SD, to Platte Pipeline injection station in Casper, WY, and the Husky Oil Company Refinery, at Cheyenne, WY, under continuing contract(s) with Husky Oil Company, of Denver, CO. (Hearing site: Denver, CO.)

MC 141914 (Sub-64F), filed September 21, 1979. Applicant: FRANKS AND SON, INC., Route 1, Box 108A, Big Cabin, OK 74332. Representative: Kathrena J. Franks (same address as applicant). Transporting *foodstuffs, paint and paint products, adhesives, and caulking compound* (except commodities in bulk), from the facilities of SCM Corporation, at (1) Shiremanstown and Parkesburg, PA, (2) Carrollton, TX, (3) Louisville, KY, and (4) Huron, Cleveland and Sharonville, OH, to points in the United States (except AK and HI) restricted to the transportation of traffic originating at the facilities of SCM Corporation. (Hearing site: Cleveland, OH.)

MC 141914 (Sub-65F), filed September 21, 1979. Applicant: FRANKS AND SON, INC., Route 1, Box 108A, Big Cabin, OK 74332. Representative: Kathrena J. Franks (same address as applicant). Transporting *such commodities* as are dealt in by wholesale and retail discount and variety stores, from points in AL, GA, FL, SC, NC, VA, WV, PA, NY, NJ, MA, CT, and CA, to the facilities of Wal-Mart Stores, Inc., at or near (1) Bentonville, Searcy, and Fort Smith, AR, and (2) Palestine, TX. (Hearing site: Bentonville, AR.)

MC 142145 (Sub-7F), filed September 24, 1979. Applicant: LINDSEY TRANSPORTATION, INC., P.O. Box 156, Lindsay, NE 68644. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Contract carrier* transporting *such commodities as are dealt in by building materials dealers* (except commodities in bulk, in tank vehicles), from points in the United States (except AK and HI), to points in IA, MN, NE, and SD, under a continuing contract(s) with Hawkeye Building Supply Co., of Sioux City, IA. (Hearing site: Omaha, NE.)

MC 142575 (Sub-4F), filed September 21, 1979. Applicant: UNDERWOOD TRUCK LINES, INC., 21 South Deport (P.O. Box 100), Brazil, IN 47834. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN. Transporting (1) *trailers, and trailer chassis* (except trailers designed to be drawn by passenger automobiles), between points in the United States (except AK and HI), (2) *materials, equipment and supplies* used in the manufacture of commodities named in (1) above, from points in the U.S. (except AK and HI), to the facilities of Great Dane Trailers of Tennessee, Inc., at Memphis, TN, and Great Dane Trailers of Indiana, Inc., at Brazil, IN restricted in (1) and (2) to the transportation of traffic originating at or destined to the facilities of Great Dane Trailers, Inc., Great Dane Trailers of Tennessee, Inc., and Great Dane Trailers of Indiana, Inc. (Hearing site: Indianapolis, IN, or Memphis, TN.)

MC 142824 (Sub-3F), filed September 25, 1979. Applicant: CENTURY MOTOR EXPRESS, INC., 607 Howard Street, Mount Vernon, OH 43050. Representative: Stephen J. Habash, 100 East Broad Street, Columbus, OH 43215. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes transporting (1) *pipes, ducts and fittings* used in heating and cooling and exhaust systems, and (2) *equipment, materials and supplies* used in the manufacture, installation and distribution of (1) above, between Mount Vernon, OH, on the one hand, and, on the other, points in CT, GA, IL, IN, IA, KY, MD, MA, MI, MN, MO, NY, NC, PA, SC, TN, VA, WV, WI, DE, NJ, and DC, under continuing

contract(s) with L. B. Mt. Vernon, Inc., of Mount Vernon, OH. (Hearing site: Columbus, OH, or Washington, DC.)

MC 142905 (Sub-10F), filed September 24, 1979. Applicant: PETROLEUM TRANSPORTATION CORPORATION, 9717 East 42nd Street, Tulsa, OK 74145. Representative: Thomas N. Willess, 1000 Sixteenth Street, NW, Washington, DC 20036. Transporting *liquefied petroleum gas, and natural gasolines*, (1) from points in OK, to Conway, Hutchinson and Little River, KS, and (2) from Conway, Hutchison, KS, to points in OK. Condition: The authority granted here, to the extent it authorizes the transportation of liquified petroleum gas, is limited in point of time to a period ending five (5) years from the date of issuance. (Hearing site: Columbus, OH, or Washington, DC.)

MC 145435 (Sub-6F), filed September 24, 1979. Applicant: WESTERN AG INDUSTRIES, INC., 2750 North Parkway, Frensno, CA 93771. Representative: Roland J. Mefford (same address as applicant). To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk), from the facilities of Real Fresh Milk, Inc., at (1) Visalia, CA, and (2) Horseheads, NY, on the one hand, and on the other, points in OR, WA, UT, CO, MO, IL, WI, MI, PA, NY, NJ, and GA, under a continuing contract(s) with Real Fresh Milk, Inc., of Visalia, CA. (Hearing site: Fresno, CA.)

MC 145454 (Sub-8F), filed September 23, 1979. Applicant: SOUTHERN REFRIGERATED TRANSPORTATION COMPANY, INC., 2154 Green Valley Drive, Crown Point, IN 46307. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603. Transporting *canned, chilled, and frozen food*, from the facilities of Lykes Pasco Packing Company, at or near Dade City, FL, to points in IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, ND, OH, SC, SD, and WI. (Hearing site: Tampa, FL.)

MC 145525 (Sub-8F), filed September 24, 1979. Applicant: ERIEVIEW CARTAGE, INC., 100 Erieview Plaza, P.O. Box 6977, Cleveland, OH 44101. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW, Washington, DC 20001. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *aluminum, aluminum articles and aluminum products, and equipment, materials and supplies*, used in the manufacture of aluminum, aluminum articles, and aluminum products (except commodities in bulk), and (2) *metals, metal articles, and metal products, and equipment, materials and supplies* used in the manufacture of metals, metal articles, and metal products (except in bulk), between points in the United States (except AK and HI), under a continuing contract(s) with Alcan Aluminum Corporation, of Columbus, OH. (Hearing site: Columbus, OH.)

MC 146464 (Sub-3F), filed September 21, 1979. Applicant: NEVADA GENERAL TRANSPORTATION, INC., P.O. Box 1239, Lamoille, NV 89828. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701. Transporting *potato flakes* from Winnemucca, NV, to Portland, OR, Clearfield, UT, Shelley, ID, and points in CA. (Hearing site: Reno, NV, or Boise, ID.)

MC 147665 (Sub-2F), filed September 21, 1979. Applicant: BASSETT FURNITURE INDUSTRIES OF NORTH CAROLINA, INC., d.b.a. BASSETT TRUCKING COMPANY, P.O. Box 47, Newton, NC 28658. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204. *Contract carrier* transporting *foodstuffs*, from the facilities of Welch Foods, Inc., in PA and NY to points in GA, FL, NC, SC, TN, VA, and WV, under continuing contract(s) with Welch Food, Inc., of Westfield, NY. (Hearing site: Charlotte or Newton, NC.)

MC 145765 (Sub-5F), filed September 25, 1979. Applicant: WIEST TRUCKLINE, INC., 1305 Sixth Ave., SW, Jamestown, ND 58401. Representative: James B. Hovland, 414 Gate City Building, P.O. Box 1680, Fargo, ND 58107. Transporting (1) *building materials* and *asbestos cement pipe*, from the facilities of Johns-Mansville Sales Corp., at Waukegan, IL, and (2) *insulation board*, from the facilities of Johns-Manville Perlite Corp., at Rockdale, IL, to points in ND, SD, and MN. (Hearing site: Chicago, IL, or Minneapolis, MN.)

MC 147985 (Sub-2F), filed September 20, 1979. Applicant: TAYLOR BROS., INC., 1405 Ingram Street, P.O. Box 272, Springdale, AR 72764. Representative: Stanley W. Ludwig, P.O. Box 285, Springdale, AR 72764. Transporting (1) *paper and paper articles*, and (2) *burlap bags, in bales*, from the facilities of the Weyerhaeuser Company, at or near Pine Bluff, AR, the facilities of Continental Can Company, at or near Hodge, LA, the facilities of St. Regis Paper Company, at or near Monticello, MS, and Cantonment, FL, the facilities of Imperial Packaging Corporation, at or near Des Moines, IA, to points in IA, MN, and ND. (Hearing site: Little Rock, AR.)

MC 148285F, filed September 24, 1979. Applicant: A.L. COUEY, d.b.a. COUEY TRUCKING COMPANY, Industrial Boulevard at Southern Railway, P.O. Box 3244, Dalton, GA 30721. Representative: M.C. Ellis, 1001 Market St., Chattanooga, TN 37402. Transporting *general commodities*, (except in bulk), between Atlanta, Cartersville, and Dalton, GA, and Chattanooga, TN, on the one hand, and, on the other, points Bartow, Catoosa, Chattooga, Dade, Floyd, Gordon, Murray, Walker, and Whitfield Counties, GA, and Hamilton County, TN, restricted to the transportation of shipments have an immediately prior or subsequent movement by rail. Condition: The authority granted here is limited in point of time to a period of five (5) years from the date of issuance. (Hearing site: Dalton, GA, or Chattanooga, TN.)

MC 148564F, filed September 20, 1979. Applicant: G. KAY, INC., P.O. Box 222, Geneva, NE 68361. Representative: Bradford E. Kristler, P.O. Box 82028, Lincoln, NE 68501. Transporting *fertilizer compounds*, from Fairbury, NE, to points in AR, CO, ID, IL, IN, IA, KS, KY, MI, MN, MO, MT, ND, OH, OK, SD, TX, UT, WI, and WY. (Hearing site: Kansas City, MO.)

Note.—Dual operations may be involved.

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Decided: March 14, 1980

By the Commission, Review Board Number 2, Members Eaton, Liberman and Jensen. Member Jensen not participating.

MC 2052 (Sub-24F), filed December 17, 1979. Applicant: BLAIR TRANSFER, INC., 203 South Ninth, Blair, NE 68008. Representative: Arlyn L. Westergren, Westergren & Hauptman, Suite 106, 7101 Mercy Road, Omaha, NE 68106. Transporting: *such commodities as are dealt in by food and drugs stores and food businesshouses* (except commodities in bulk, in tank vehicles) from the facilities of the The Proctor & Gamble Distributing Company at Chicago, IL to points in CO, IA, KS, MN, MO, NE, SD, and WI. (Hearing site: Cincinnati, OH or Omaha, NE.)

MC 2202 (Sub-623F), filed November 19, 1979. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, OH 44309. Transporting: *general commodities, (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)*, serving Sterling, KS, as an off-route point in connection with applicant's regular routes. (Hearing site: Kansas City, MO.)

Note.—Applicant intends to tack.

MC 2202 (Sub-624F), filed December 4, 1979. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Boulevard, Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Over *regular routes,* transporting: *general commodities, (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment),* between Dyersburg, TN and Memphis, TN, from Dyersburg over Interstate Hwy 155 to jct. U.S. Hwy 61, then U.S. Hwy 61 to Memphis, and return over the same route, serving all intermediate points. (Hearing site: Memphis, TN.)

MC 2392 (Sub-134F), filed December 19, 1979. Applicant: WHEELER TRANSPORT SERVICE, INC., 7722 F St., Omaha, NE 68124. Representative: Leonard A. Jaskiewicz, 1730 M St. NW, Suite 501, Washington, DC 20036. Transporting *propane,* in bulk, in tank vehicles, from Conway, Clay Center, and McPherson, KS, Kearney, MO, and Geneva, NE, to points in LA, MN, ND, SD,and NE. Condition: The certificate to be issued in this proceeding shall be limited in point of time to a period expiring 5 years from its date of issue. (Hearing site: Omaha, NE.)

MC 2392 (Sub-136F), filed December 27, 1979. Applicant: WHEELER TRANSPORT SERVICE, INC., 7722 F St., Omaha, NE 68127. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Transporting *petroleum products,* in bulk, in tank vehicles, between points in IA, KS, NE, SD, and points in Clay, Jackson and Platte Counties MO. (Hearing site: Omaha, NE.)

MC 4963 (Sub-109F), filed December 20, 1979. Applicant: JONES MOTOR CO., INC., Bridge St. & Schuylkill Rd., Spring City, PA 19475. Representative: Roland Rice, Suite 501, Perpetual Bldg., 1111 E St., NW, Washington, DC 20004. Transporting (1)(a) *structural steel,* and (b) *materials and supplies* used in the manufacture of structural steel, between Nashville, TN, on the one hand, and, on the other, points in IA, MO, AL, GA, SC, NC, TN, WI, IL, IN, KY, MI, OH, WV, VA, PA, MD, DE, NJ, NY, VT, CT, RI, MA, NH, and ME, restricted to the transportation of traffic originating at or destined to the facilities of Volunteer Structures, Inc., at Nashville, TN; and (2) *steel,* between Lenoir City, TN, on the one hand, and, on the other, points in AL, TN, GA, NC, KY, IL, and OH, restricted to the transportation of traffic originating at or destined to the facilities of (b) Sheffield Southern Steel, at Lenoir City, TN. (Hearing site: Knoxville or Nashville, TN.)

MC 9812 (Sub-16F), filed December 17, 1979. Applicant: C. F. KOLB TRUCKING CO., INC., Rural Route 1, Box 294, Mt. Vernon, IN 47620. Representative: Constance J. Goodwin, Suite 800, Circle Tower Building, Five East Market Street, Indianapolis, IN 46294. Transporting: (1) *Steel Articles,* from points in Vanderburgh County, IN to points in AL, AZ, AR, CA, CO, CT, FL, GA, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, ND, NE, NV, NJ, NM, NY, NC, OH, OK, PA, SC, SD, TN, TX, UT, VA, WV and WI; (2) *Materials, Equipment and Supplies* (except in bulk) *used in the manfacture, distribution and sale of Steel Articles,* in the reverse direction, and (3) *Steel Articles,* from points in AL, IL, and GA to points in Vanderburgh Countyh, IN. (Hearing site: St. Louis MO or Chicago, IL.)

MC 11722 (Sub-72F), filed December 5, 1979. Applicant: BRADER HAULING SERVICE, INC., P.O. Box 655, Zillah, WA 98953. Representative: Philip G. Skofstad, 1525 N. E. Weidler St., Portland, OR 97232. Transporting (1) *paper and paper products, and equipment, materials and supplies used in manufacturing, sales and distribution of paper and paper products and* (2) *polyethlene bags,* between points in AZ, CA, CO, ID, MT, NB, NV, NM, ND, OK, OR, SD, TX, UT, WA, WY. (Hearing site: Seattle, WA, or Portland, OR.)

MC 15242 (Sub-12F), filed December 21, 1979. Applicant: CAUTHEN GIN & BAG CO., a North Carolina corporation, Route 4, Box 550, Monroe, NC 28110. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, N.W., Washington, DC 20005. Transporting *textile products,* between those points in the United States in and east of WI, IL, KY, TN, and MS, on the one hand, and, on the other, New York and Bayshore, NY. Conditions: (1) Applicant shall maintain separate accounts and records for its for-hire carrier operations as distinct from its other busienss activities, and (2) it shall not at the same time and in the same vehicle transport property both as a private carrier and as a for-hire carrier.

MC 20992 (Sub-58F), filed November 27, 1979. Applicant: DOTSETH TRUCK LINE, INC., Knapp, WI 54749. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting *iron and steel articles,* from the facilities of Nucor Corporation at or near Norfolk, NE, to points in IL, IN, MN, ND, SD, and WI, restricted to traffic originating at the named origin and destined to the named destinations. (Hearing site: Omaha, NE.)

Note.—Common control may be involved in this proceeding.

MC 22182 (Sub-37F), filed December 18, 1979. Applicant: NU-CAR CARRIERS, INC., P.O. Box 172, Bryn Mawr, PA 19010. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Drive, Gaithersburg, MD 27060. Transporting *automobiles and trucks,* in truckaway service, in secondary movements, (1) from Baltimore, MD, to points in AL, AR, IL, IN, KS, KY, LA, MI, MS, and TN, and (2) from Jacksonville, FL, to points in LA. (Hearing site: Philadelphia, PA.)

MC 47583 (Sub-117F), filed December 4, 1979. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Road, Kansas City, KS 66115. Representative: D. S. Hults, P.O. Box 225, Lawrence, KS 66044. Transporting *such commodities* as are dealt in or used by department and variety stores (except commodities in bulk); from points in NJ and NY to Fort Worth, TX. Restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Kansas City, MO.)

MC 47583 (Sub-118F), filed December 4, 1979. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Road, Kansas City, KS 66115. Representative: D. S. Hults, P.O. Box 225, Lawrence, KS 66044. Transporting *canned goods* and *non-alcoholic beverage mixes* (except in bulk), from the facilities of Master of Mixers, Inc., at or near Byhalia, MS, to points in the U.S. (except AK, HI and MS). Restricted to the transportation of traffic originating at the above named facilities of Master of Mixers, Inc. (Hearing site: Kansas City, MO.)

MC 61403 (Sub-278F), filed December 21, 1979. Applicant: THE MASON AND DIXON TANK LINES, INC., P.O. Box 969, Kingsport, TN 37662. Representative: W. C. Mitchell, Suite 1201, 370 Lexington Avenue, New York, NY 10017. Transporting *liquid chemicals,* in bulk, in tank vehicles, from the facilities of Olin Corp., at or near Doe Run, KY, to points in AL, AR, DE, FL, GA, IA, IL, IN, KS, LA, MD, MI, MN, MO, MS, OH, OK, TN, TX, WI, and WV. (Hearing site: Washington, DC.)

MC 61592 (Sub-460F), filed June 28, 1979. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, IN 47130. Representative: E. A. DeVine, P.O. Box 737, Moline, IL 61265. Transporting *pile driving equipment,* between points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 61592 (Sub-480F), filed November 29, 1979. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, IN 47130. Representative: E. A. DeVine, P.O. Box 737, Moline, IL 61265. Transporting solar equipment and *parts* for solar equipment (except commodities in bulk) between points in the United States (except AK & HI). (Hearing site: Washington, DC.)

MC 63562 (Sub-67F), filed December 31, 1979. Applicant: BN TRANSPORT INC., 6775 East Evans Ave., P.O. Box 22694, Wellshire Station, Denver, CO 80222. Representative: Cecil L. Goettsch, 1100 Des Moines Bldg., Des Moines, IA 50309. Transporting *plastic pipe and fittings* from Fairfield, IA, to all points in CO, ID, IL, KS, MN, MO, MT, ND, NE, OK, OR, SD, WA, WI and WY. (Hearing site: Chicago, IL or Washington DC.)

MC 69292 (Sub-9F), filed December 5, 1979. Applicant: ATLAS TRANSPORTATION, INC., 8100 Stansbury Road, Baltimore, MD 21222. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street, N.W., Washington, DC 20005. Transporting *refractory products, materials,* and *supplies* used in the manufacture thereof (except commodities in bulk), between points in DE, MD, NJ, NY, PA, and VA, restricted to traffic originating at or destined to the facilities of U.S. Refractory Division of General Refractories Co. (Hearing site: Washington, DC.)

MC 69402 (Sub-3F), filed November 16, 1979. Applicant: BEE LINE TRUCKING COMPANY, INC., 3300 Chouteau Ave., St. Louis, MO. Representative: T. M. Tahan, 2001 South Seventh St., St. Louis, MO 63104. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods defined by the Commission, commodities in bulk, and those requiring special equipment), between points in AL, AR, FL, GA, IL, IN, IA, KS, KY, LA, MI, MO, MN, MS, NE, OH, OK, TN, TX, WI, and WV. (Hearing site: St. Louis or Kansas City MO.)

MC 71593 (Sub-53F), filed December 17, 1979. Applicant: FORWARDERS TRANSPORT, INC., 1608 East Second Street, Scotch Plains, NJ 07076. Representative: Ronald S. Potter (same as above). Transporting: *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between (1) Chicago, IL, on the one hand, and on the other, Atlanta, GA, and Norfolk, VA; (2) between Atlanta, GA, on the one hand, and on the other, New York, NY; (3) from Charlotte, NC to Chicago, IL, and Memphis, TN, restricted to the transportation of traffic moving on freight forwarder bills of lading. (Hearing site: New York, NY.)

MC 71593 (Sub-54F), filed December 17, 1979. Applicant: FORWARDERS TRANSPORT, INC., 1608 East Second Street, Scotch Plains, NJ 07076. Representative: Ronald S. Potter (same as above). Transporting: *automotive equipment, parts and supplies; mufflers, internal combustion engine* and *parts necessary for the installation thereof* and *steel tubing* between the facilities of Midas International Corporation at (1) La Mirada, and Woodland, CA., on the one hand, and, on the other, points in the US (except AK, CA, and HI) (2) Atlanta, GA, on the one hand, and, on the other, points in the US (except AK, CA, and HI) (3) at Chicago, IL, on the one hand, and, on the other, points in the US (except AK, HI, and IL) (4) Norwood, MA, on the one hand, and, on the other, points in the US (except AK, HI and MA) (5) at Bay City, MI, on the one hand, and, on the other, points in the US (except AK, HI and MI) (6) St. Louis, MO, on the one hand, and, on the other, points in the US (except AK, HI, and MO) (7) New Brunswick, NJ, on the one hand, and, on the other, points in the US (except AK, HI, and NJ) (8) at Perrysburg, OH, on the one hand, and, on the other, points in the US (except AK, HI, and OH) (9) Dallas, TX, on the one hand, and, on the other, points in the US except (AK, HI, and TX) and (10) at Hartford, WI, on the one hand, and, on the other, points in the US (except AK, HI, and WI). (Hearing site: Newark, NJ.)

MC 71593 (Sub-55F), filed December 17, 1979. Applicant: FORWARDERS TRANSPORT, INC., 1608 East Second Street, Scotch Plains, NJ 07076. Representative: Ronald S. Potter (same as above). Transporting: *table sauces* between the facilities of Serv-A-Portion at (1) Chatsworth, CA, on the one hand, and, on the other, points in the US (except AK, CA, and HI) (2) Atlanta, GA, on the one hand, and, on the other, points in the US (except AK, GA, and HI) and (3) Cincinnati, OH, on the one hand, and, on the other, points in the US (except AK, HI, and OH). (Hearing site: Newark, NJ.)

MC 71593 (Sub-56F), filed December 17, 1979. Applicant: FORWARDERS TRANSPORT, INC., 1608 East Second Street, Scotch Plains, NJ 07076. Representative: Ronald S. Potter (same as above). Transporting: *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between Philadelphia, PA, Baltimore, MD, Norfolk, VA, and Richmond, VA, on the one hand, and, on the other, points in Michigan and Ohio, restricted to the transportation of traffic moving on freight forwarder bills of lading. (Hearing sites: New York, NY, Washington, DC.)

MC 71652 (Sub-38F), filed November 21, 1979. Applicant: BYRNE TRUCKING, INC., P.O. Box 280, Medford, OR 97501. Applicant's Representative: David J. Stewart, P.O. Box 280, 4669 Crater Lake Highway, Medford, OR 97501. Transporting: *composition board* and *wood fiber products* from the facilities of the United States Gypsum Company at or near Pilot Rock, OR, to AZ, CA, ID, MT, NV, OR, UT and WA. (Hearing sites: Portland, OR or Chicago, IL.)

MC 76262 (Sub-3F), filed December 28, 1979. Applicant: WEIR-COVE MOVING & STORAGE COMPANY, 4224 Freedom Way, Weirton, WV 26062. Representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Transporting *iron and steel and aluminum articles, and materials, equipment and supplies used in the manufacture* thereof, between points in and east of MN, IA, MO, AR, and LA, restricted to traffic originating at or destined to the facilities of National Steel Corporation. (Hearing sites: Pittsburgh, PA or Washington, DC.)

MC 107012 (Sub-470F), filed November 29, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as above). Transporting *recreational equipment* and *sporting goods* from the facilities of Kransco Manufacturing, Inc., located at or near Virginia Beach, VA, to points in the United States (except AK, HI and VA). (Hearing sites: Norfolk, VA or Washington, DC.)

Note.—Common control may be involved.

MC 107012 (Sub-471F), filed December 4, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as above). Transporting: (1)(a) *such commodities* as are dealt in by retail department and sporting goods stores (except those described in (b) and (b)) pianos, organs, musical instruments, motorized vehicles, audio components, and public address systems, and, (2) *such commodities* used in the manufacture or distribution of the commodities names in (1) above, (except commodities in bulk), between points in the U.S. (except AK and HI) restricted to

the transportation of traffic originating at or destined to facilities used by Yamaha Motor Corporation and Yamaha International Corporation. (Hearing sites: Los Angeles, CA or San Diego, CA or Washington, DC.)

MC 107012 (Sub-474F), filed December 19, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). Transporting *restaurant equipment and supplies,* from the facilities of Bell Food Services, Inc., at or near Norwalk, CA, to points in the United States (except AK and HI). (Hearing site: Los Angeles, CA or Washington, DC.)

MC 107012 (Sub-475f), filed December 26, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Bruce W. Boyarko (same address as applicant). Transporting (1) *stainless steel food preparation equipment, food and beverage service equipment, food transport equipment, sinks and sink fittings, furniture, pails, dairyware, and plastic articles,* and (2) *parts and accessories* for the commodities in (1) above, from the faciliites of Vollrath Company, at or near Sheboygan, WI, to points in the United States (except AK and HI). (Hearing sites: Chicago, IL or Milwaukee, WI.)

MC 107162 (Sub-63F), filed December 13, 1979. Applicant: NOBLE GRAHAM TRANSPORT, INC., Rural Route 1, Brimley, MI 49715. Representative: Michael S. Varda, 121 South Pinckney Street, Madison, WI 53703. Transporting: *non-alcoholic beverages* (except in bulk) from Lakeland, FL to points in the Upper Peninsula of MI, and those points in WI on and north of US Hwy 10. (Hearing site: Milwaukee, WI or Chicago, IL.)

Note.—Dual operations may be involved.

MC 107162 (Sub-64F), filed December 18, 1979. Applicant: NOBLE GRAHAM TRANSPORT, INC., Rural Route 1, Brimley, MI 49715. Representative: Michael S. Varda, 121 South Pinckney Street, Madison, WI 53703. Transporting: *lumber and lumber products* from Spearfish, SD to points in MI and WI. (Hearing site: Chicago, IL or Pierre, SD.)

Note.—Dual operations may be involved.

MC 107403 (Sub-1300F), filed December 20, 1979. Applicant: MATLACK, INC., Ten West Baltimore Ave., Lansdowne, PA 19050. Representive: Martin C. Hynes, Jr. (same address as applicant). Transporting *liquid chemicals and acids,* in bulk, in tank vehicles, from the facilities of Jim Walter Resources, Inc., at Birmingham, AL, to points in TX, those points in the United States east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca Country, MN, then northward along the western boundaries of Itasca and Koochiching Countries, MN, to the internationl boundary line between the United States and Canada, and those points in LA west of the Mississippi River. (Hearing site: Washington, DC.)

MC 110012 (Sub-68F), filed November 29, 1979. Applicant: ROY WIDENER MOTOR LINES, INC., 707 North Liberty Hill Road, Morristown, TN 37814. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street NW., Washington, DC 20004. Transporting (1) *new furniture and furniture parts, and* (2) *materials and supplies* used in the manufacture of (1) above (except commodities in bulk in tank vehicles) between Charlotte, NC, on the one hand, and, on the other, to points in the United States (except AK and HI). (Hearing site: Washington, DC or Charlotte, NC.)

MC 110683 (Sub-170F), filed December 14, 1979. Applicant: SMITH'S TRANSFER CORPORATION, Box 1000, Staunton, VA 24401. Representative: Francis W. McInerny, Esq., Suite 502, 1000 16th St., N.W., Washington, D.C. 20036. Transporting *general commodities* (except those of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring special equipment): (1) between Des Moines, IA, and Springfield, MO, over U.S. Hwy 65 serving all intermediate points in IA, (2) Between Davenport, IA, and Springfield, MO, serving all intermediate points in IA: From Davenport over U.S. Hwy 61 to its junction with MO Hwy 19, then over MO Hwy 19 to its junction with U.S. Hwy 54, then over U.S. Hwy 54 to its junction with MO Hwy 73, then over MO Hwy 73 to its junction with MO Hwy 32, then over MO Hwy 32 to its junction with U.S. Hwy 65, then over U.S. Hwy 65 to Springfield and return over the same route serving all intermediate points in IA, (3) between Paducah, KY, and Springfield, MO, over U.S. Hwy 60 serving all intermediate points in and (4) between Paducah, KY, and Little Rock, AR, from Paducah over U.S. Hwy 60 to its junction with U.S. Hwy 67, then over over U.S. Hwy 67 to Little Rock, and return over the same route, serving all intermediate points in KY. (Hearing site: Washington, DC.)

Note.—Tacking and interlining is intended. This application is directly related to MC-F-14155.

MC 111432 (Sub-5F), filed December 27, 1979. Applicant: FRANK J. SIBR & SONS, INC., 5240 West 123rd Place, Alsip, IL 60658. Representative: Douglas G. Brown, P.C., The INB Center, Suite 555, One North Old State Capitol Plaza, Springfield, IL 62701. *Contract Carrier* transporting *petroleum and petroleum products, in bulk, in tank vehicles,* from the plant site of Marathon Oil Company at Staley, IL to points in Benton County and Tippecanoe County, IN under continuing contract(s) with Texaco, Inc. of Houston, TX. (Hearing site: Chicago, IL.)

MC 111812 (Sub-703F), filed December 13, 1979. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Lamoyne Brandsma (same as above). Transporting: *plumbing* and *plumbing supplies* from the facilities of Kohler Company in Sheboygan County, WI to points in AZ, CA, ID, MT, NV, ND, OR, SD, UT, WA and WY. (Hearing site: Milwaukee, WI.)

MC 113382 (Sub-25F), filed October 30, 1979. Applicant: NELSON BROS., INC., P.O. Box 613, Nebraska City, NE 68410. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce over irregular routes, transporting *pet food* (except in bulk), and *containers,* from Kansas City, KS, to points in NE, AR, TN, MO, MS, LA, TX, IA and OK, under continuing contract(s) with Strongheart Products, Inc., of Kansas City, KS. (Hearing site: Kansas City, MO.)

Note.—Dual operations may be involved.

MC 114552 (Sub-245F), filed December 20, 1979. Applicant: SENN TRUCKING COMPANY, a corporation, P.O. Drawer 220, Newberry, SC 29108. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. Transporting *industrial or agricultural machinery,* from Jacksonville, FL, to points in U.S. (Except AK, HI, and FL.) (Hearing site: Columbia, SC, or Atlanta, GA.)

MC 114552 (Sub-245F), filed December 20, 1979. Applicant: SENN TRUCKING COMPANY, a corporation, P.O. Drawer 220, Newberry, SC 29108. Representative: William P. Jackson, Jr., 3426 N. Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. Transporting *iron and steel articles,* between the facilities of Oceana Corporation, at or near Columbia and Darlington, SC, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Washington, DC.)

MC 114552 (Sub-246F), filed December 18, 1979. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, SC 29108. Representative: William P. Jackson, Jr., 3426 N. Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. Transporting *composition board and materials, supplies and equipment* used in the manufacture thereof, between the facilities of Gold Bond Building Products, a Division of National Gypsum Company, at Mobile, AL, on the one hand, and, on the other, points in the United States in and east of WI, IL, MO, AR, and TX. (Hearing site: Washington, DC.)

MC 114632 (Sub-276F), filed December 19, 1979. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: David E. Peterson (same address as applicant). Transporting (1) *paint, lacquer, enamel, epoxies, resins, pigments, adhesives, rubber cement and thinning and removing compounds,* and (2) *materials, equipment and supplies used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk, in tank vehicles), from Buffalo, NY and Kansas City, MO, to points in the United States (except AK and HI). (Hearing site: Buffalo or New York, NY.)*

Note.—Dual operations may be involved.

MC 115092 (Sub-123F), filed December 26, 1979. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box 0, Vernal, UT 84078. Representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, IL 60174. Transporting *wall board* and *insulating board,* and *materials* and *supplies* used in the installation thereof (except commodities in bulk) from the facilities of the Grefco, Inc. subsidiary of General Refractories Co. located at or near Ontario, CA to points in and west of LA, AR, MO, IA, MN (except AK and HI). (Hearing site: Salt Lake City, UT, or Los Angeles, CA.)

MC 116063 (Sub-161F), filed December 26, 1979. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., P.O. Box 270, Fort Worth, TX 76101. Representative: W. H. Cole (same address as applicant). Transporting *latex in bulk, in tank vehicles,* from Houston, TX, to Noble, OK. (Hearing site: Fort Worth or Dallas, TX.)

MC 116763 (Sub-633F), filed November 26, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira (same address as applicant). Transporting *such commodities* as are dealt in by (a) paint and chemical coating manufacturers and (b) paint stores and supply houses except commodities in bulk, in tank vehicles), between the facilities of Standard T Chemical Co., at or near Chicago Heights, IL, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, OK, and TX, restricted to the transportation of traffic originating at and destined to the facilities of Standard T Chemical Co. (Hearing site: Chicago, IL.)

MC 118803 (Sub-14F), filed December 20, 1979. Applicant: ATLANTIC TRUCK LINES, INC., 100 Hamilton Plaza, Paterson, NJ 07505. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs,* and *materials, supplies, and equipment* used in the manufacture and distribution of foodstuffs (except commodities in bulk), between the facilities used by Entenmann's in (a) Nassau and Suffolk Counties, NY, (b) Cook, DuPage, Lake, and McHenry Counties, IL, and (c) Dade County, FL, on the one hand, and, on the other, those points in United States in and east of MN, LA, NE, KS, OK, and TX, under continuing contract(s) with Warner-Lambert Company of Morris Plains, NJ. (Hearing site: New York, NY.)

MC 118803 (Sub-15F), filed December 20, 1979. Applicant: ATLANTIC TRUCK LINES, INC., 100 Hamilton Plaza, Paterson, NJ 07505. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by manufacturers of (a) drugs, (b) toilet preparations, and (c) confectioneries (except commodities in bulk), (1) between New York, NY, Jacksonville, FL, Milford, CT, Lititz and Philadelphia, PA, and Rockford, IL, on the one hand, and, on the other, South Brunswick, NJ, Morrow, GA, Grand Prairie, TX, and Elk Grove Village, IL, and (2) between South Brunswick, NJ, Morrow, GA, Grand Prairie, TX, and Elk Grove Village, IL, under continuing contract(s) with Warner-Lambert Company of Morris Plains, NJ. (Hearing site: New York, NY.)

MC 119422 (S-72F), filed December 31, 1979. Applicant: EE JAY MOTOR TRANSPORTS, INC., 15th & Lincoln Streets, East St. Louis, IL 62204. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. Transporting *petroleum and petroleum products,* in bulk, in tank vehicles, from the facilities of Amoco Chemicals at Wood River, IL, to points in AL, AR, FL, GA, IN, KY, MA, MD, LA, MI, MO, MS, NJ, OH, PA, RI, SC, TX, VA, and WV. (Hearing site: St. Louis, MO.)

MC 119522 (Sub-46F), filed December 4, 1979. Applicant: McLAIN TRUCKING, INC., 2425 Walton Street, P.O. Box 2159, Anderson, 46011. Representative: John B. Leatherman, Jr. (same address as applicant). Transporting *salt* and *salt products* from the facilities of the Morton Salt Company located at Manistee and Marysville, MI; Chicago, IL, and Rittman, OH, to points in IN, KY, IL, and OH. (Hearing site: Chicago, IL or Indianapolis, IN.)

MC 119702 (Sub-73F), filed November 19, 1979. Applicant: STAHLY CARTAGE CO., 119 S. Main Street, Edwardsville, IL 62025. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW, Washington, DC 20001. Transporting *petroleum products,* in bulk, in tank vehicles, from Pana, IL, to all points in IA and MO. (Hearing site: Chicago, IL.)

MC 124692 (Sub-310F), filed October 15, 1979. Applicant: SAMMONS TRUCKING, a corporation, P.O. Box 4347, Missoula, MT 59806. Representative: J. David Douglas (same address as applicant). Transporting *paving materials, building materials, concrete surface curing compounds, powdered iron, iron grit and sand, lacquer, and caulking compounds* from the facilities of A. C. Horn, Inc., at or near Addison, IL, to points in NE, ND, SD, WY, CO, MT, OR, WA, ID, UT, CA, and AZ. (Hearing site: Chicago, IL.)

MC 124692 (Sub-322F), filed November 27, 1979. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, MT 59806. Applicant's representative: J. David Douglas (same as applicant). Transporting: *banding materials* from the facilities of Signode Corp. at or near Weirton, WV to points in CA, NV, MT, UT, ID, OR, WA, and WY. (Hearing site: Chicago, IL.)

MC 124692 (Sub-323F), filed November 27, 1979. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, MT 59806. Applicant's representative: J. David Douglas (same as applicant). Transporting: *heating and cooling units, parts* and *accessories* for heating and cooling units, from the facilities of Peteco Inc. at Waseca, MN, to points in CA, ID, MT, OR, UT, WA and WY, restricted to traffic originating at Peteco, Inc. at Waseca, MN. (Hearing site: St. Paul, MN.)

MC 126473 (Sub-44F), filed December 20, 1979. Applicant: HAROLD DICKEY TRANSPORT, INC., Packwood, LA 52580. Representative: Kenneth F. Dudley, 1501 East Main, P.O. Box 279, Ottumwa, IA 52501. Transporting *liquid*

fertilizer, in bulk, in tank vehicles, from the facilities of FirstMiss, Inc. at or near Fort Madison, IA, to points in IL, IN, IA, KS, KY, MI, MN, MO, NE, ND, OH, SD, and WI. (Hearing site: Chicago, IL or Kansas City, MO.)

MC 129032 (S-121F), filed November 30, 1979. Applicant: TOM INMAN TRUCKING, INC., 5656 South 129th East Ave., Tulsa, OK 74145. Representative: David R. Worthington (same address as applicant). Transporting: *confectionery* and *commodities* used in the manufacture of confectionery, in mechanical-refrigerated equipment, (except in bulk, in tank vehicles) between points in the United States (except AK and HI) restricted to traffic originating at or destined to the facilities owned and or operated by Bunte Candies, Inc. (Hearing site: Oklahoma City, OK or Dallas, TX.)

MC 129732 (Sub-7F), filed November 27, 1979. Applicant: EMPIRE FUEL & TRANSFER CO., P.O.B. 126, Coos Bay, OR 97420. Representative: David C. White, 2400 SW. Fourth Ave., Portland, OR 97201. Transporting *paper, paper by-products*, and *materials, supplies* and *equipment* used in the manufacture of paper, between points in Coos County, OR, on the one hand, and, on the other, points in CA and WA. (Hearing site: Coos Bay, OR.)

MC 133802 (Sub-5F), filed December 19, 1979. Applicant: EMPAK TRANSPORTATION COMPANY, 6200 North 16th Street, Omaha, NE 68110. Representative: Scott E. Daniel, 800 Nebraska Savings Building, 1623 Farnam Street, Omaha, NE 68102. *Contract carrier, transporting such commodities as are dealt in by manufacturers of petroleum products, chemicals, and cleaning, washing and scouring compounds*, (A) from the facilities of Witco Chemical Corporation at or near (1) Los angeles, Oildale and Lynwood, CA, (2) New Castle, DE, (3) Chicago and Lawrenceville, IL, (4) Gretna, LA, (5) Perth Amboy and Paterson, NJ, (6) Cleveland, OH, (7) Petrolia, Trainer and Bradford, PA, (8) Almeda and Houston, TX and (9) Quincy, WA; and (B) Argus Chemical Corporation located at or near (1) Richmond, CA, (2) Taft, LA, (3) Brooklyn, NY, and (4) Marshall, TX, to points in the U.S. (except AK and HI), under a continuing contract(s) with Witco Chemical Corporation and Argus Chemical Corporation both of New York, NY.

MC 134282 (Sub-23F), filed December 27, 1979. Applicant: ENNIS TRANSPORTATION CO., INC., P.O. Drawer 776, Ennis, TX 75119. Representative: William D. White, Jr., 4200 Republic National Bank Tower, Dallas, TX 75201. Transporting *building materials* (except in bulk), from the facilities of Elk Corporation of Texas at Ennis, TX to points in AL, AZ, AR, CA, CO, IL, IA, KS, KY, LA, MS, MO, NE, NV, NM, OK, TN, and UT. (Hearing site: Dallas, TX, New Orleans, LA, and Washington, DC.)

MC 134453 (Sub-17F), filed December 20, 1979. Applicant: STERNLITE TRANSPORTATION COMPANY, Winsted, MN 55395. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Contract carrier* transporting (1) *aluminum extrusions*, and (2) *scrap aluminum and aluminum billets*, between Yankton, SD, on the one hand, and, on the other, points in CT, DE, FL, ME, MD, MA, MN, NH, NJ, NY, NC, PA, RI, SC, VT, VA, and WV, under continuing contract(s) with Alumax Extrusions, Inc., of Yankton, SD. (Hearing site: St. Paul, MN.)

MC 135152 (Sub-36F), filed November 21, 1979. Applicant: CASKET DISTRIBUTORS, INC., Rural Route No. 2, P.O. Box No. 327, West Harrison, IN 45030. Representative: Jack B. Josselson, 700 Atlas Bank Building, 524 Walnut Street, Cincinnati, OH 45202. Transporting *petroleum and petroleum products*, (except in bulk) from Bakerstown, Petrolia and Bradford, PA., to points in IN, KY, OH, and TN. Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 135152 (Sub-37F), filed November 21, 1979. Applicant: CASKET DISTRIBUTORS, INC., Rural Route No. 2, P.O. Box No. 327, West Harrison, IN 45030. Representative: Jack B. Josselson, 700 Atlas Bank Building, 524 Walnut Street, Cincinnati, OH 45202. Transporting *containers, container ends and closures* (1) from Leetsdale, PA., to all points in IN, OH, and KY, and (2) from Cleveland and Solon, OH, to all points in IN, and KY. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 135292 (Sub-3F), filed December 26, 1979. Applicant: GUY MORRAL, 39 West Avenue, Wellsboro, PA 16901. Representative: Joseph F. Hoary, 121 South Main Street, Taylor, PA 18517. Transporting *sand* from Tioga County, PA to points in NY. (Hearing site: Philadelphia, PA.)

MC 135762 (Sub-10F), filed November 2, 1979. Applicant: JOHN H. NEAL, INC., P.O. Box 3877, 6004 Highway 271 South, Fort Smith, AR 72913. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood, Fort Smith, AR 72902. *Contract carrier* transporting *household appliances* from the facilities of White Consolidated Industries, Inc., in IA, MI, MN, and OH to points in AL, AR, LA, MS, MO, OK, TN, and TX, the service to be performed under a continuing contract(s) with White Consolidated Industries, Inc., of Cleveland, OH. (Hearing site: Washington, DC.)

MC 135843 (Sub-7F), filed July 2, 1979. Applicant: IOWA GATEWAY, INC. d.b.a., IOWA GATEWAY TERMINAL, River Rd., Keokuk, IA 52632. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Transporting *general commodities* (except those of unusual value, classes A and B explosives, and household goods as defined by the Commission), between Keokuk, IA, on the one hand, and, on the other, points in AR, FL, GA, IL, IN, IA, KS, KY, MI, MN, MO, MT, NE, NY, ND, OH, OK, PA, SD, TN, WI, and WY. CONDITIONS: (1) Applicant must file a verified statement which demonstrates the minimal likelihood that applicant will be faced with the opportunity for indulging in preferential or discriminatory practices detrimental to the interests of competitive carriers and non-affiliated shippers, under the criteria of *Amsden Common Carrier Application*, 124 M.C.C. 856, 861; and (2) issuance of this certificate is subject to prior or coincidental cancellation at applicant's written request of Permit MC 133399, issued November 14, 1969. (Hearing site: Chicago, IL.)

Note.—Dual operations may be involved.

MC 136182 (Sub-6F), filed August 23, 1979. Applicant: B & C MOTOR FREIGHT, INC., P.O. Box 166, Peru, IN 46970. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *hydrofluosilicic acid*, from Indianapolis, IN, to points in MI, KY, IL, and OH. (Hearing site: Indianapolis, IN or Washington, DC.)

MC 140902, (Sub-12F), filed November 21, 1979. Applicant: DPD, INC., 3600 N.W. 82nd Avenue, Miami, FL 33152. Representative: Warren A. Goff, Esq., 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Contract carrier, transporting *prefabricated buildings* and *building parts*, and *materials, equipment and supplies* used in the construction of prefabricated buildings, between the facilities of National Homes Corporation at or near Thomson, GA, on the one hand, and, on the other, points in AL, FL, GA, IN, KY, MS, NC, SC, TN, and VA, under a continuing contract(s) with National Homes Corporation, of Lafayette, IN. (Hearing site: Miami, FL, or Washington, D.C.)

MC 141533 (Sub-13F), filed December 20, 1979. Applicant: LYN TRANSPORT, INC., 37 North Central Avenue, Elmsford, NY 10532. Representative:

Bruce J. Robbins, 118–21 Queens Boulevard, Forest Hills, NY 11375. Transporting (1) *plants and pigments,* and (2) *equipment and supplies* used in the manufacture and distribution of commodities in (1) above between the facilities of PPG Industries, Inc., at (a) Springdale, PA, (b) Cleveland and Delaware, Ohio and (c) Oak Creek, WI, on the one hand, and, on the other, Syracuse and New York, NY, Chicago, IL, New Orleans, LA, Memphis, TN, Dover, DE, St. Paul, MN, Boston, MA, Omaha, NE, and Kansas City, Jefferson City, and St. Louis, MO. (Hearing site: New York, NY.)

MC 141892 (S-1F), filed December 17, 1979. Applicant: FRANK'S BUS SERVICE, INC., 101 Cleveland Ave., Mount Ephraim, NJ. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, N.Y., 10001. Transporting *passengers* and their *baggage,* in the same vehicle with passengers, in special and charter operations, beginning and ending at points in Camden, Gloucester and Atlantic Counties, NJ and extending to points in the United States, (except AK and HI). (Hearing site: Camden, NJ.)

MC 142443 (Sub-4F), filed November 28, 1979. Applicant: HOLSTON BROTHERS, INC., 13711 Travilah Road, Rockville, MA 20850. Representative: Barry Roberts, 888 17th Street, N.W., Washington, D.C. 20006. Contract carrier, transporting (A)(1) *landscape and garden supplies* from points in PA, VA, NJ, MD, WV, NC, NY, VT, GA, OH, IN, CO, CA, NM, NH, ME and DE to points in NJ, DE, MD, WV, VA, DC and NC and (2) *building supplies* from the points in OH and IN to points in NJ, DE, MD, WV, DC, and NC, under a continuing contract in (1) and (2) above with Landscape Products and Building Supplies, Inc., of Silver Spring, MD and (B)(1) *animal feed* from Everson, PA and Lancaster, PA to Gaithersburg, MD and (2) *agricultural, industrial and construction equipment* from Richmond, VA to Gaithersburg, MD under a continuing contract(s) in (1) and (2) above with Gaithersburg Farmers Supply, Inc., of Gaithersburg, MD. (Hearing site: Washington, DC.)

MC 142672 (Sub-107F), filed December 20, 1979. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701. Transporting *candy and confectionery,* from the facilities of Bortz Chocolate Company, at or near Reading, PA, to Vernon, CA, and Garland, TX. (Hearing site: Reading, PA, or Ft. Smith, AR.)

Note.—Dual operations may be involved.

MC 142672 (Sub-108F), filed December 20, 1979. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. Transporting *such commodities* as are dealt in by discount and *variety stores,* from points in AL, CA, CT, IA, IL, IN, MO, OH, TX, VA, and WV, to the facilities of Wal-Mart Stores, Inc., at or near Bentonville and Searcy, AR. (Hearing site: Fayetteville, AR, or Little Rock, AR.)

Note.—Dual operations may be involved.

MC 142672 (Sub-113F), filed December 18, 1979. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville, AR 72701. Transporting: *foodstuffs* from the facilities of Standard Brands, Inc., at or near Ft. Smith, AR to points in CA and OR. (Hearing site: New York, NY, or Ft. Smith, AR.)

MC 142703 (Sub-24F), filed December 26, 1979. Applicant: INTERMODAL TRANSPORTATION SERVICES, INC., 750 West Third St., P.O. Box 14072, Cincinnati, OH 45214. Representative: Michael Spurlock, 275 East State St., Columbus, OH 43215. 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 Danville, KY, on the one hand, and, on the other, points in KY, restricted to the transportation of traffic having a prior or subsequent movement by rail or water. (Hearing site: Columbus, OH.)

Note.—Dual operations may be involved.

MC 142772 (Sub-8F), filed December 19, 1979. Applicant: HRDLICKA ENTERPRISES, INC., Rte. 7, Box 59, Chippewa Falls, WI 54729. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN. Transporting *posts, poles, lumber, and lumber products,* from points in AR, AZ, CA, CO, ID, LA, MS, MT, NM, OR, SD, UT, WA, and WY, to Chippewa Falls, WI. (Hearing site: Minneapolis or St. Paul, MN.)

MC 143462 (Sub-5F), filed December 27, 1979. Applicant: ERWIN TRUCKING, INC., 9100 "F" St., Omaha, NE 68127. Applicant's representative: Donald L. Stern, Stern & Becker, P.C., Suite 610, 7171 Mercy Road, Omaha, NE 68106. *Contract carrier,* transporting *foodstuffs, pet foods,* and *material, equipment and supplies* used in the manufacture, sale and distribution of foodstuffs and pet foods (except commodities in bulk), between the facilities of Campbell Soup Company, Inc. in and east of ND, SD, NE, KS, OK and TX, under continuing contract(s) with Campbell Soup Company, Inc., of Camden, NJ.

MC 143742 (Sub-1F), filed December 28, 1979. Applicant: MONCTON TRANSIT LIMITED, 280 Pacific Avenue, Moncton, New Brunswick, Canada. Applicant's representative: Jeremy Kahn, Suite 733 Investment Building, 1511 K Street, N.W., Washington, DC 20005. Transporting *passengers and their baggage,* in the same vehicle with passengers, (1) in round-trip charter and special operations, beginning and ending at the Bangor International Airport, at or near Bangor, ME, and extending to ports of entry on the United States-Canada International Boundary line located in ME; and (2) in one-way charter and special operations, from the Bangor International Airport at or near Bangor, ME, to ports of entry on the United States-Canada International Boundary line located in ME, restricted (1) to transportation performed in foreign commerce, and (2) to transportation of passengers and their baggage having an immediately prior movement by air. (Hearing site: Bangor, ME.)

MC 144122 (Sub-65F), filed December 21, 1979. Applicant: CARRETTA TRUCKING, INC., S 160 Route 17, Paramus, NJ 07652. Representative: Joseph Carretta (same address as applicant). Transporting *chemicals* (except in bulk), from Peoria, Mapleton and Chicago, IL, and Houston, TX, to points in VA, MD, DE, PA, NY, NJ, CT, MA, and RI. (Hearing sites: New York, NY or Washington, DC.)

Note.—Dual operations may be involved.

MC 144442 (Sub-9F), filed December 12, 1979. Applicant: ESSEX EXPRESS, INC., 1200 Hammondville Road, Pompano Beach, FL 33060. Representative: Don A Allen, 2550 M Street, N.W., Washington, DC 20037. *Contract carrier, transporting alcoholic beverages* from Brooklyn, NY, to Miami, Jacksonville, Tampa and Orlando, FL. (Hearing site: Washington, DC, or Miami, FL.)

MC 145102 (Sub-43F), filed November 20, 1979. Applicant: FREYMILLER TRUCKING, INC., P.O. Box 188, Shullsburg, WI 53586. Applicant's representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Transporting *cheese and cheese products* from Lena, WI to points in CA, GA, NJ, NY, OH, PA, and TX. (Hearing site: Madison or Green Bay, WI.)

MC 145163 (Sub-6F), filed December 20, 1979. Applicant: DONALD MULDER, d.b.a. DON MULDER TRUCKING, 1735 North 50th Street, Lincoln, NE 68504.

Representative: Lavern R. Holdeman, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. Transporting (1) *printed matter*, and (2) *materials, equipment, and supplies* used in the manufacture, sale and distribution of the commodities in (1) above, between points in the United States (except AK, HI, Lincoln, NE, and Council Bluffs, IA). (Hearing site: Washington, DC, or Omaha, NE.)

Note.—Dual operations may be involved.

MC 145702 (Sub-4F), filed December 13, 1979. Applicant: TRANSURFACE CARRIERS, INC., P.O. Box 271, Northboro, MA 01532. Representative: Bernard P. Rome, 31 Milk Street, Boston, MA 02109. *Contract carrier*, transporting *buffing, polishing, cleaning, scouring and washing compounds, wax, soap, and paints*, (except in bulk), from Marlborough, MA, to points in AL, AR, CO, FL, GA, IL, IA, IN, KS, KY, LA, MI, MN, MS, MO, NE, NC, OH, OK, PA, SC, TN, TX, VA, WV, and WI, under a continuing contract(s) with The Butcher Polish Company of Marlborough, MA. (Hearing site: Washington, DC or Boston, MA.)

MC 146292 (Sub-2F), filed November 29, 1979. Applicant: LIBERTY ICE & FUEL CO., 1183 Liberty Street, Springfield, MA 01104. Representative: Francis E. Barrett, Jr., Esq., 10 Industrial Park Road, Hingham, MA 02043. Transporting *petroleum products*, in bulk, in tank vehicles from Springfield, MA to points in Hartford, Litchfield, Tolland, Middlesex and Windham Counties, CT. (Hearing site: Springfield or Boston, MA.)

MC 146392 (Sub-4F), filed November 23, 1979. Applicant: AMALGAMATED TRANSPORTATION, INC., 121 12th St. N.W., Cedar Rapids, IA 52405. Representative: Dennis L. Wengert, 121 12th St. N.W., Cedar Rapids, IA 52405. Contract carrier, transporting *general commodities* (except those of unusual value, class 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, Montezuma, Monticello, Mount Pleasant, Mason City, Muscatine, Newton, Oelwein, Ottumwa, Oskaloosa, Sioux City, Spencer, Washington, Waterloo, West Union, Williamsburg, IA, on the one hand, and on the other, Chicago, IL restricted to traffic having prior or subsequent transportation by air, under continuing contract(s) with Iowa Air Freight, Inc. (Hearing site: Omaha, NE.)

MC 146553 (Sub-8F), filed December 20, 1979. Applicant: ADRIAN CARRIERS, INC., 1826 Rockingham Road, Davenport, IA 52808. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Transporting: (1) *castings*, (a) from Marion, AL, to Holland, MI, and (b) from Muskegon, South Haven, and Holland, MI, to Los Angeles, CA, and (2) *internal combustion engine parts*, from the facilities of AiResearch Industrial Division, Garrett Corporation, at Los Angeles, CA, to points in IA, IL, IN, MI, OH, and TX. (Hearing site: Los Angeles, CA; Davenport, IA.)

Note.—Dual operations may be involved.

MC 146602 (Sub-4F), filed December 18, 1979. Applicant: ODEAN DUANE BAKKEN d.b.a., Bakken Truck Line, 304–11th Street South, Northwood, IA 50459. Representative: Carl E. Munson, 469 Fischer Building, Dubuque, IA 52001. Transporting (1) *boat and vehicle parts*, and (2) *plastic Articles*, (1) from the facilities of Carroll George, Inc., at or near Northwood, IA, to points, in MN, and (2) from Fort Wayne and La Porte, IN, to the facilities of Carroll George, Inc., at or near Northwood, IA. (Hearing site: Minneapolis, MN or Chicago, IL.)

MC 146643 (Sub-24F), filed December 3, 1979. Applicant: DAVID CREECH TRANSPORTATION SYSTEMS, INC., 655 East 114th Street, Chicago, IL 60628. Representative: Marc J. Blumenthal, 39 South La Salle Street, Chicago, IL 60603. *Contract* carrier, transporting *tin plate*, from Chicago, IL, to Lima, OH, under a continuing contract(s) with Libby, McNeill, & Libby, of Worth, IL. (Hearing site: Chicago, IL.)

Note.—Dual operations may be involved.

MC 146893 (Sub-6F), filed December 7, 1979. Applicant: BROWN TRANSPORT, INC., Box 327A, West Alexandria, OH 45381. Representative: Lewis S. Witherspoon, 88 E. Broad St., Columbus, OH 43215. *Contract carrier*, transporting *ammonium nitrate fertilizer*, from the facilities of C.F. Industries, Terre Haute, IN, to points in OH, under a continuing contract(s) with Landmark, Inc. of Columbus, OH. (Hearing site: Columbus, OH.)

MC 147102 (Sub-2F), filed December 5, 1979. Applicant: E.T.I. COMPANY, 4055 William Penn Highway, Easton, PA 18042. Representative: Rick A. Rude, 1730 Rhode Island Avenue, N.W., Suite 801, Washington, DC 20036. Transporting *such commodities as are dealt in or used by manufacturers or distributors of industrial machinery and equipment*, between Allentown, PA and Phillipsburg, NJ, on the one hand, and, on the other, points in CN, DE, DC, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV. (Hearing site: Allentown, PA or Washington, D.C.)

MC 147323 (Sub-5F), filed December 20, 1979. Applicant: HADDAD TRANSPORTATION, INC., 5000 Wyoming Ave., Dearborn, MI 48126. Representative: John P. Haddad (same address as applicant). Transporting (1) *iron and steel articles* and (2) *equipment, materials, and supplies* used in the manufacture or distribution of the commodities named in (1) above (except commodities in bulk), between the facilities of Mars Steel Corporation at Hinsdale, IL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL, or Detroit, MI).

Note.—Dual operations may be involved.

MC 147673 (Sub-1F), filed July 9, 1979. Applicant: ALBERT F. McCLAIN, d.b.a., McCLAIN TRUCKING COMPANY, 305 North 12th Street, Mayfield, KY 40266. Representative: Louis J. Amato, P.O. Box E, Bowling Green, KY 42101. Contract carrier transporting (1) *clay*, and (2) *materials, equipment and supplies* above used in the manufacture and distribution of the commodities in (1) between points in (a) Graves County, KY, (b) Panola County, MS, and (c) Henry and Weakley Counties, TN, on the one hand, and, on the other, points in the US (except AK and HI), under continuing contract(s) with Kentucky-Tennessee Clay Company of Mayfield, KY. (Hearing site: Nashville, TN or Louisville, KY.)

MC 147793 (Sub-3F), filed October 10, 1979. Applicant: C. L. HALL, Route 2, Cumby, TX 75433. Representative: Lawrence A. Winkle, P.O. Box 45538, Dallas, TX 74245. Transporting *steel plates* from Houston and Lone Star, TX, to points in KS. (Hearing site: Dallas, TX.)

MC 148002 (Sub-2F), filed December 26, 1979. Applicant: BECO, INC., Route No. 1, Box 138, New Salem, ND 58563. Representative: Charles E. Johnson, Gate City Savings and Loan Building, P.O. Box 1982, Bismarck, ND 58501. Contract carrier transporting *such commodities as are dealt in by wholesale, retail and chain grocery and food business houses* (except commodities in bulk), from points in MN to Bismarck, ND under contract with Super Valu Stores, Inc., of Hopkins, MN. (Hearing site: Bismarck, ND or Minnespolis, MN.)

MC 148032 (Sub-1F), filed November 15, 1979. Applicant: J. A. HUNT TRUCKING CO., INC., Route 2, Box 646, Red Springs, NC 28377. Representative: John C. Tally, Suite 701, Wachovia Bank

Building, Fayetteville, NC 28302. Transporting *stone and gravel, in dump trucks,* from Bennettsville, SC and Brownsville, SC to the facilities of Growell Constructors, Inc., located at or near Whiteville and Butters, NC. (Hearing site: Fayetteville, or Raleigh, NC.)

MC 148183 (Sub-11F), filed December 19, 1979. Applicant: ARROW TRUCK LINE, INC., P.O. Box 432, Gainesville, GA 30501. Representative: Pauline E. Myers, Suite 348 Pennsylvania Bldg., 425 13th St. NW., Washington, DC 20004. Transporting *meats and meat products and meat byproducts,* as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of The Rath Packing Company, at (a) Columbus Junction and Waterloo, IA, and (b) Indianapolis, IN, to points in AL, GA, NC, SC, and those points in TN on and east of Interstate Hwy 65. (Hearing site: Atlanta GA or Washington, DC.)

MC 148283 (Sub-2F), filed November 20, 1979. Applicant: ABC TRANSPORTATION COMPANY, a corporation, State Docks Road, Eufaula, AL 36027. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. Contract carrier, transporting (1) *prefabricated metal buildings, knocked-down, and prefabricated metal grain storage bins, knocked-down,* (2) *parts* and *accessories* for the commodities in (1) above; and (3) *materials, equipment,* and *supplies* (except in bulk), used in the manufacture, sale and assembly of the commodities in (1) above, between the facilities of American Buildings Company, Inc., at or near (a) Carson City, NV; (b) Jamestown, OH; and (c) Atlantic, IA; on the one hand, and, on the other, points in the U.S. (except AK and HI), under a continuing contract(s) with American Buildings Company, Inc., of Eufaula, AL. (Hearing site: Birmingham, AL.)

MC 148283 (Sub-3F), filed November 20, 1979. Applicant: ABC TRANSPORTATION COMPANY, a corporation, State Docks Road, Eufaula, AL 36027. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW, Washington, DC 20001. Contract carrier, Transporting (1) *prefabricated metal grain storage bins, knocked-down;* (2) *parts* and *accessories* for the commodities in (1) above; and (3) *materials, equipment,* and *supplies* (except in bulk) used in the manufacture, sale and assembly of the commodities in (1) above, between the facilities of Conrad-American, Inc., at or near (a) Grand Island, NE, and Houghton, IA, on the one hand, and, on the other, points in the US (except AK and HI) under a continuing contract(s) with Conrad-American, Inc., of Eufaula, AL. (Hearing site: Birmingham, AL.)

MC 148292 (Sub-5F), filed November 23, 1979. Applicant: J. POSA, INC., One North First Street, Fulton, NY 13069. Representative: Arthur J. Piken, Queens Office Tower, 95–25 Queens Boulevard, Rego Park, NY 11374. Transporting *malt beverages, supplies, materials,* and *equipment* used in manufacture, sales and distribution of malt beverages, between Onondaga and Oswego Counties, NY on the one hand and, on the other points and places in NY, NJ and CT. (Hearing site: New York, NY.)

MC 148412 (Sub-2F), filed December 12, 1979. Applicant: GRIBBLE TRUCKING, INC., R. D. No. 1, Somerset, PA 15501. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. Contract carrier, transporting (1) *metal roofing and siding* and *fabricated metal products* and *materials* and *supplies* used in the manufacture of metal roofing and siding/fabricated metal products between Lancaster, PA on the one hand, and, on the other, points in IL, IN, MD, MI, NY, OH, and WV; under continuing contract(s) with Fabral-Alcan Building Products Division of Alcan Aluminum Corp. of Lancaster, PA and (2) *such commodities* are dealt in by manufactures of trucks and truck parts, between Hagerstown, MD on the one hand, and, on the other, points in IL, IN, MD, MI, NY, OH, WV, PA, KY and WI, under continuing contract(s) with Mack Trucks, Inc., of Hagerstown, MD. (Hearing site: Washington, DC.)

MC 148433 (Sub-2F), filed December 14, 1979. Applicant: GENERAL PARTS EXPRESS, INC., P.O. Box 243, Hanover, MD 21076. Applicant's representative: Frank B. Hand, Jr., P.O. Drawer C, Berryville, VA 22611. Contract carrier, transporting *automotive parts and automotive accessories and such commodities as are dealt in by distributors of automotive parts* (except commodities in bulk), between the facilities of General Motors Corporation (General Motors Parts Division), Parkway Industrial Center, Hanover, MD, on the one hand, and, on the other, points in Kent, New Castle, and Sussex Counties, DE, York, Adams, Franklin, Fulton, Cumberland, Huntingdon, Mifflin, Juniata, Perry, Dauphin, Northumberland, Snyder, Union, Montour, Lycoming, Clinton, and Centre Counties, PA, Frederick, Shenandoah, Clarke, Warren, Page, Madison, Rappahannock, Fauquier, Loudoun, Culpeper, Prince William, Arlington, Fairfax, Accomac, and Northampton Counties, VA, Berkeley, Morgan, Hampshire, Jefferson, Mineral, Hardy, Grant, Tucker, Randolph, and Pendleton Counties, WV, and the District of Columbia, under continuing contract(s) with General Motor Corporation of Flint, MI. (Hearing site: Baltimore, MD or Washington, DC.)

MC 148442 (Sub-3F), filed December 26, 1979. Applicant: SOUTHEASTERN FOOD DISTRIBUTORS, INC., d.b.a. Southeastern Transport Company, P.O. Box 22275, 607 10th Avenue North, Nashville, TN 37202. Representative: Roland M. Lowell, 618 United American Bank Building, Nashville, TN 37219. Applicant: Southeastern Food Distributors, Inc., d.b.a. Southeastern Transport Company, P.O. Box 22275, 607 10th Ave. North, Nashville, TN 37202. Representative: Roland M. Lowell, 618 United American Bank Building, Nashville, TN 37219. Transporting *frozen bakery products,* from facilities of Tennessee Doughnut Corp., at or near Nashville, TN and Memphis, TN to points in AL, AR, FL, GA, LA, and MS. (Hearing site: Nashville, TN.)

MC 148453 (Sub-2F), filed December 10, 1979. Applicant: FUGAZY CONTINENTAL CORPORATION OF NEW JERSEY, INC., 645 Madison Avenue, New York, NY 10022. Representative: Arthur Wagner, 600 Madison Avenue, New York, NY 10022, a contract carrier, transporting *passengers* and their *baggage* between Bally's Park Place Hotel, Atlantic City, NJ, on the one hand, and, on the other, Philadelphia, PA, and points in NY, NJ and CT, under a continuing contract with Bally's Park Place, Inc., of Atlantic City, NJ. (Hearing site: New York, NY, or Newark, NJ.)

MC 148522 (Sub-1F), filed December 6, 1979. Applicant: PAUL E. ACE TRUCKING, INC., 930 Clay Avenue, Stroudsburg, PA 18360. Representative: Joseph F. Hoary, 121 South Main Street, Taylor, PA 18517. Contract carrier, transporting (1) *paperboard* and *pulpboard* from Delaware Water Gap, PA to points in MD, MA, NH, NJ, NY, DE, OH, VA, CT, RI, IL, IN, and DC and (2) *such commodities* as are used in the manufacture, distribution and sale of paperboard and pulpboard, in the reverse direction under a continuing contract(s) with Packaging Corporation of America, Evanston, IL. (Hearing site: Philadelphia, PA.)

MC 148583 (Sub-2F), filed November 20, 1979. Applicant: LOOP CARTAGE, INC., 1818 North Commerce, Milwaukee,

WI 53212. Representative: Lawrence P. Kahn, 161 West Wisconsin Ave., Suite 5170, Milwaukee, WI 53203. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from points in Milwaukee County, WI, to points in Racine, Kenosha, Walworth, Rock, Dane, Jefferson, Columbia, Dodge, Washington, Ozaukee, Sheboygan, Fond du Lac, Winnebago, Calumet, Manitowoc, Outagamie, Brown, Kewaunee, and Waukesha Counties, WI. (Hearing site: Milwaukee, WI.)

Note.—The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. § 11343 or submit an affidavit indicating why such approval is unnecessary.

MC 148672F, filed November 26, 1979. Applicant: J. D. NESBITT CO., 164 Mertens, P.O. Box 149, Kankakee, IL 60901. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. Contract carrier, transporting *culverts*, and materials, equipment, supplies and parts used in the manufacture and distribution of culverts (except commodities in bulk), between Bourbonnais, IL on the one hand, and, on the other, points in IN under a continuing contract with Young Metal Products, Inc., of East Chicago, IN. (Hearing site: Chicago, IL.)

MC 148673, filed November 23, 1979. Applicant: PORT CARRIERS, INC., 1000 Farragut Street, P.O. Box 26344, Jacksonville, FL 32218. Representative: Thomas F. Panebianco, P.O. Box 1200, Tallahassee, FL 32302. Transporting *general commodities* (except commodities in bulk) in containers and empty containers and chassis between Jacksonville, FL on the one hand, and, on the other, Brunswick and Savannah, GA and Charleston, SC restricted to the transportation of traffic having an immediately prior or subsequent movement by water. (Hearing site: Jacksonville, FL.)

MC 148693 (Sub-1F), filed November 8, 1979. Applicant: J. D. TRANSPORTS, INC., 1731 Lanier Lane, Memphis, TN 38117. Representative: John Paul Jones, P.O. Box 3140, Front Street Station, 189 Jefferson Ave., Memphis, TN 38103. Contract carrier transporting such as are dealt in by agricultural equipment, industrial equipment, and lawn and leisure product manufactures (except commodities in bulk) (1) from the facilities of Parts Distribution Warehouse of Deere and Company at Milan, IL, the Distribution Service Center of Deere and Company at Moline, IL, to the Parts Depot of John Deere and Company at Memphis, TN, (2) from North Kansas City, MO, New Orleans, LA, and Tulsa, OK to points in AL, on or west of Interstate Hwy 59, AR, points in IL on or south of Interstate Hwy 70, points in KY on and west of US Hwy 127, LA, points in MO on and east of US Hwy 67, MS, and points in TN on and west of US HWY 127 (3) between the facilities of the John Deere Company Parts Depot, Memphis, TN, on the one hand, and on the other and points in AL on or west of Interstate Hwy 59, AR, points in IL on or south of Interstate Hwy 70, points in KY on and west of US Hwy 127, LA, points in MO on and east of US Hwy 67, MS, and points in TN on and west of US Hwy 127, under continuing contract(s) with John Deere Company of Memphis, TN. (Hearing site: Memphis, TN.)

MC 148772 (Sub-1F), filed November 6, 1979. Applicant: PRYDE CARRIERS, INC., 12212 Oak Park Ave., Palos Heights, IL 60419. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. Contract carrier transporting *animal and vegetable oils*, between Tama and Davenport, IA, New Brighton, MN, Montgomery and Chicago, IL, under a continuing contract(s) with Darling & Company, of Chicago, IL. (Hearing site: Chicago, IL.)

MC 148823 (Sub-1F), filed December 20, 1979. Applicant: FRANK E. KLUBEK and LARRY G. CRAWFORD, d.b.a. KLUBEK-CRAWFORD TRUCKING COMPANY, P.O. Box 421, Lebo, KS 66856. Representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, KS 67202. Transporting *hides*, (a) between Memphis, TN, on the one hand, and on the other, points in AL, CA, FL, IL, KS, MI, MS, NJ, NY, PA, and WI, and (b) between Hastings, NE, on the one hand, and on the other, Cactus, Houston, and Laredo, TX, and Clovis, NM. (Hearing site: Kansas City, MO or Memphis, TN.)

MC 148832 (Sub-2F), filed December 26, 1979. Applicant: DELTA MOTOR FREIGHT, INC., 1616 Rowe Boulevard, P.O. Box 1083, Poplar Bluff, MO 63901. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105. 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), betweeen Poplar Bluff, MO, on the one hand, and, on the other, Memphis, TN, (1) from Poplar Bluff over U.S. Hwy 67 to its junction with U.S. Hwy 63; then over U.S. Hwy 63 to its junction with Interstate Hwy 55; then over Interstate Hwy 55 to Memphis, and return over the same route; (2) from Poplar Bluff over MO Hwy 53 to its junction with MO Hwy 25; then over MO Hwy 25 to its junction with MO Hwy 84; then over MO Hwy 84 to its junction with Interstate Hwy 55; then over Interstate Hwy 55 to Memphis, and return over the same route. (Hearing site: Kansas City, MO.)

MC 148863 (Sub-2F), filed December 26, 1979. Applicant: LONG SHOT EXPRESS, INC., 1 Hackensack Ave., South Kearny, NJ 07032. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *conveyors*, and *materials, equipment, and supplies* used in the manufacture, sale, and installation of conveyors (except commodities in bulk), between the facilities of Hewitt Robbins Conveyor Equipment Corp., Division of Litton Systems, Inc., at or near Passaic, NJ, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: New York, NY, or Washington, DC.)

MC 148873 (Sub-2F), filed December 26, 1979. Applicant: ROAD CON SYSTEMS, INC., 2500 83rd St., North Bergen, NJ 07047. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Contract carrier* transporting (1)(a) *silicones and rubber compounds*, from Lakewood and New Brunswick, NJ, and New York, NY, (b) *chemicals, and three and weed killing compounds*, from New York, NY, (c) *animal feed supplements*, from Baltimore, MD, (d) *tree and weed killing compounds, manufactured fertilizer, and insecticides*, from Portland, OR, and St. Joseph, MO, (e) *chemicals, and silicone packaging supplies*, from Tuscola and Elk Grove Village, IL, and (f) *chemicals* (except commodities in bulk), from Freeport, TX, to points in the United States (except AK and HI); and (2) *materials, equipment, and supplies* used in the manufacture and sale of the commodities in (1) above (except commodities in bulk), from points in the United States (except AK and HI), to the origins in (1) above, under continuing contract(s) with Rhone-Poulenc, Inc., of Monmouth Junction, NJ. (Hearing site: New York, NY or Washington, DC.)

Note.—The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. § 11343 or submit an affidavit indicating why such approval is unnecessary.

MC 148953F, filed November 30, 1979. Applicant: TOPCAT, INC., P.O. Box 95, Trenton, KY 42286. Representative: Rudy Yessin, 314 Wilkinson Street, Frankfort, KY 40601. Contract carrier, transporting

glass, aluminum doors, and *materials and supplies* used in the manufacture of aluminum doors, aluminum, steel shelvings, and corrugated boxes, between points in KY, IL, TX, MS, TN, MI, IN, MO, AL, GA, NJ and WI, under continuing contract(s) with Ardco, Incorporated, of Elkton, KY. (Hearing site: Washington, DC.)

MC 148963F, filed December 4, 1979. Applicant: MR. LAKHU JETHANI, d.b.a. RAVI TRANSPORT, 42–55 Colden Street, Flushing, NY 11355. Representative: Michael Groll, 140 Broadway, New York, NY 10005. Transporting: *passengers and their baggage,* in special (or charter) operations, in round-trip sightseeing, pleasure, and educational tours, beginning and ending at New York, NY and extending to points in NY, NJ, PA, MD, IL and FL. (Hearing site: New York, NY or Washington, DC.)

MC 149092, filed December 27, 1979. Applicant: ASPEN, INC., 2900 East 83rd Place, Merrillville, IN 46410. Representative: Donald W. Smith, P.O. Box 40248 Indianapolis, IN 46240. Contract carrier, transporting *alcohol,* in bulk, in tank vehicles, from Decatur, IL to the facilities of Welsh Oil, Inc. at Gary, IN, under a continuing contract(s) with Welsh Oil, Inc. of Gary, IN. (Hearing site: Indianapolis, IN.)

MC 149093, filed December 17, 1979. Applicant: TRANSPORT WORLD, INC., d.b.a. ROYAL TRANSPORT, 1124 S. Highland Dr., Las Vegas, NV 89102. Representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, CA 90010. Transporting *frozen foodstuffs* in vehicles equipped with mechanical refrigeration, from the facilities of Blue Star Foods, Inc., at Council Bluffs, IA, and at Omaha, NE, to points in CA. (Hearing site: Los Angeles, CA.)

MC 149102F, filed December 21, 1979. Applicant: LEE S. PRESCOTT, d.b.a. LEE AUTOMOTIVE, Dresser Hill Rd 2, Dudley, MA 01570. Representative: Lee S. Prescott (same address as applicant). Transporting *used motor vehicles,* from points in MA to points in VT, NH, ME, NY, CT, and RI. (Hearing site: Worcester or Springfield, MA.)

MC 149103F, filed December 27, 1979. Applicant: INTERNATIONAL CONTAINER REPAIR & DRAYAGE, INC., 712 St. George Avenue, Jefferson, LA 70121. Representative: Joseph E. Mire, Jr. (same as applicant). Transporting *general commodities* (except classes A and B explosives) between points in the commercial zone of New Orleans, LA, restricted to traffic having a prior or subsequent movement by water. (Hearing site: New Orleans, LA.)

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Decided: February 20, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill

MC 11207 (Sub-515F), filed December 20, 1979. Applicant: DEATON, INC., 317 Ave. W., P.O. Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Transporting *steel catwalk, aluminum catwalk, steel articles, aluminum articles, and fiberglas articles* (except commodities which because of size or weight require the use of special equipment), between Gulfport, MS, and Nashville, TN on the one hand, and, on the other, points in the US in and east of TX, OK, MO, LA, and WI. (Hearing site: Nashville, TN, or Washington, DC.)

MC 26396 (Sub-321F), filed December 21, 1979. Applicant: THE WAGGONERS TRUCKING, a corporation, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting *sulphur,* from Billings, MT, to points in CO, IL, IA, KS, MN, NE, NM, ND, SD, TX, WI, and WY. (Hearing site: Omaha, NE, or Billings, MT.)

MC 28067 (Sub-23F), filed December 18, 1979. Applicant: WILLIAMS MOTOR TRANSFER, INC., So. Vine St., Barre, VT 05641. Representative: John P. Monte, Box 568, Barre, VT 05641. Transporting *stone* (except monumental stone and monumental granite), and *materials, equipment, and supplies* used in the manufacture of stone, between Barre, and Bethel, VT, and Concord, NH, on the one hand, and, on the other, points in the US in and east of ND, SD, NE, CO, OK, and TX. (Hearing site: Montpelier, VT, or Boston, MA.)

MC 30837 (Sub-492F), filed December 20, 1979. Applicant: KENOSHA AUTO TRANSPORT CORP., 4314 39th Ave., Kenosha, WI 53142. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. Transporting over irregular routes, in foreign commerce only, *automobiles and trucks* in secondary movements, in truckaway service, from ports of entry on the international boundary line between the US and Canada at Baltimore, MD, and Port Newark, NJ, to points in IL, CT, DE, IN, KY, MD, MA, MI, MN, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI, and DC. (Hearing site: Washington, DC.)

MC 51146 (Sub-796F), filed December 19, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid, Jr. (same address as above). Transporting (1) *sodium bicarbonate,* in packages, and (2) *phosphates,* in packages, in mixed loads with sodium bicarbonate, in packages from the facilities of Stauffer Chemical Company, at Chicago Heights, IL, to points in CT, DE, IN, IA, KY, ME, MD, MA, MI, MN, MO, NE, NH, NJ, NY, ND, OH, PA, RI, SD, VT, VA, WV, WI and DC. (Hearing site: Chicago, IL.)

MC 55896 (Sub-130F), filed December 17, 1979. Applicant: R–W SERVICE SYSTEM, INC., 20225 Goddard Road, Taylor, MI 48180. Representative: John C. Scherbarth, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. Transporting *coke* from Ironton, OH to points in IN, IL, KY, WV, VA, WI, and PA. (Hearing site: Detroit, MI, or Chicago, IL.)

MC 59206 (Sub-29F), filed December 18, 1979. Applicant: HOLLAND MOTOR EXPRESS, INC., 750 East 40th St., Holland, MI 49423. Representative: Kenneth De Vries (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 the use of special equipment), between the junction of Interstate Hwy 69 and IN Hwy 28 and the junction of US Hwy 81 and IN Hwy 28 over IN Hwy 28, serving all intermediate points. (Hearing site: Indianapolis, IN.)

MC 61396 (Sub-381F), filed December 17, 1979. Applicant: HERMAN BROS., INC., 2565 St. Marys Ave., P.O. Box 189, Omaha, NE 68101. Representative: Duane L. Stromer (same address as applicant). Transporting *flour and middlings,* from the facilities of ConAgra, at York, PA, to points in CT, DE, MD, MA, NJ, NY, OH, PA, RI, ME, NH, VT, VA, and DC. (Hearing site: Omaha, NE, or Pittsburgh, PA.)

MC 63417 (Sub-262F), filed December 19, 1979. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same address as applicant). Transporting *plastic articles and plastic materials* (except in bulk), from the facilities of Union Carbide Corporation, in Union, Somerset, Middlesex, Bergen, and Camden Counties, NJ, to points in AL, GA, KY, NC, SC, TN, VA, and WV. (Hearing site: Washington, DC.)

MC 66886 (Sub-80F), filed December 17, 1979. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut St., Kansas City, MO 64108. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite

600, Kansas City, MO 64105. Transporting *aluminum, aluminum products and supplies, materials and equipment* used in the manufacture of aluminum and aluminum products (except commodities in bulk), between the facilities of Alumax, Inc., in Berkeley County, SC, on the one hand, and, on the other points in CO, NM, NE, KS, MO, OK, TX, LA, AR, KY, IL, IN, IA, WI, and MI. (Hearing site: Washington, DC.)

MC 66886 (Sub-81F), filed December 17, 1979. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut St., Kansas City, MO 64108. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105. Transporting (1) *railway material or railway equipment, parts and accessories,* from Atchison, KS, and St. Joseph, MO, to points in the US in and east of ND, SD, NE, CO, OK, and TX, and (2) *equipment, materials and supplies* (except in bulk) used in the manufacture of commodities in (1), in the reverse direction. (Hearing site: Kansas City, MO.)

MC 78687 (Sub-98F), filed December 17, 1979. Applicant: LOTT MOTOR LINES, INC., Box 751, Moravia, NY 13118. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001. Transporting (1) *doors and chimney assemblies,* and (2) *materials, equipment and supplies* used in the manufacture, installation or distribution of commodities in (1), between Fredericksburg, VA, on the one hand, and, on the other, points in CT, MA, NJ, NY, PA, RI, and VT. (Hearing site: Washington, DC.)

MC 78687 (Sub-99F), filed December 17, 1979. Applicant: LOTT MOTOR LINES, INC., Box 751, Moravia, NY 13118. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001. Transporting *lime, limestone and limestone products,* from points in Sussex County, NJ, to points in NY. (Hearing site: Washington, DC.)

MC 100666 (Sub-511F), filed December 19, 1979. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, Suite 615 East, the Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *such commodities* as are dealt in by home improvement stores, between points in the US (except AK and HI). (Hearing site: Dallas, TX.)

MC 105007 (Sub-67F), filed December 21, 1979. Applicant: MATSON TRUCK LINES, INC., 1407 St. John Avenue, Albert Lea, MN 56007. Representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting (1) *new furniture and store fixtures and furnishings,* from Albert Lea, MN, to points in AL, CT, DE, FL, GA, KY, ME, MD, MA, MS, NH, NJ, NY, NC, RI, SC, TN, VT, VA, WV, and DC (2) *materials, equipment, and supplies* used in the manufacture of new furniture and store fixtures and furnishings, in the reverse direction, restricted in (1) and (2) above to the transportation of traffic originating at or destined to the facilities of Litton Business Systems, Inc., Streater Division, at Albert Lea, MN. (Hearing site: Minneapolis, MN.)

MC 112617 (Sub-462F), filed December 17, 1979. Applicant: LIQUID TRANSPORTERS, INC., 1292 Fern Valley Rd., P.O. Box 21395, Louisville, KY 40221. Representative: Larry W. Thompson (same address as applicant). Transporting *liquid petroleum pitch,* in vehicles equipped with mechanical refrigeration, from the facilities of Warriers Asphalt Co., at Doraville, GA, to the facilities of Union Carbide Corp., Carbon Products, at Greenville, SC. (Hearing site: Louisville, KY, or Washington, DC.)

MC 112617 (Sub-463F), filed December 17, 1979. Applicant: LIQUID TRANSPORTERS, INC., 1292 Fern Valley Rd., P.O. Box 21395, Louisville, KY 40221. Representative: Larry W. Thompson (same address as applicant). Transporting *liquid petroleum pitch,* in bulk, in tank vehicles, from the facilities of Mobile Oil Company, at Augusta, KS, to the facilities of Airco Speer Carbon Graphite, at Niagara Falls, NY. (Hearing site: Louisville, KY, or Washington, DC.)

MC 114457 (Sub-558F), filed December 20, 1979. Applicant: DART TRANSIT COMPANY, a corporation, St. Paul, MN 55114. Representative: James H. Wills (same address as applicant). Transporting *metal ductwork, fittings, duct heaters, and materials, equipment, and supplies* used in the installation of heating and cooling systems (except commodities in bulk), from the facilities of Holbrook Co., Inc., at or near Kaysville, UT, to points in the U.S. (except AK and HI). (Hearing site: Salt Lake City, UT, or St. Paul, MN.)

MC 114606 (Sub-10F), filed December 19, 1979. Applicant: S. F. DOUGLAS TRUCK LINE, INC., 587 S.W. First St., New Brighton, MN 55551. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. Transporting *such commodities* as are dealt in or used by retail grocery stores, drug stores, hardware stores, and department stores and chemicals, from Minneapolis, MN, to points in MN, and Eau Claire, La Crosse, and Superior, WI. (Hearing site: Minneapolis or St. Paul, MN.)

MC 115716 (Sub-30F), filed December 20, 1979. Applicant: DENVER-LIMON-BURLINGTON TRANSFER COMPANY, a corporation, 3650 Chestnut Place, Denver, CO 80216. Representative: Edward C. Hastings, 666 Sherman St., Denver, CO 80203. Transporting *frozen berries, vegetables and fruits,* from Santa Maria, Modesto, Salinas, Watsonville, Santa Cruz, Sunnyvale, Gilroy and Turlock, CA, to points in CO. (Hearing site: Denver, CO.)

MC 115716 (Sub-31F), filed December 20, 1979. Applicant: DENVER-LIMON-BURLINGTON TRANSFER COMPANY, a corporation, 3650 Chestnut Place, Denver, CO 80216. Representative: Edward C. Hastings, 666 Sherman St., Denver, CO 80203. Transporting *alcoholic beverages and mixers* (except malt beverages and commodities in bulk), from points in CA to Pueblo, CO. (Hearing site: Denver, CO.)

MC 115826 (Sub-568F), filed December 17, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting (a) (1) *floor coverings* and (2) *materials, equipment and supplies* used in the installation of floor coverings, from Ames, IA, and Philadelphia, PA, to points in CA, and (b) *chemicals* (except in bulk), from Pennsauken, NJ, to points in CA. (Hearing site: Denver, CO.)

MC 115826 (Sub-569F), filed December 12, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting *plastic film or sheeting,* (except cellulose) *and articles, materials and equipment* used in the manufacture and distribution of plastic film or sheeting (except commodities in bulk in tank vehicles), between points in the US (except between points in the US in and west of TX, OK, KS, NE, ND, and SD), restricted to the transportation of traffic originating at or destined to the facilities of Borden Chemical, Division of Borden, Inc. (Hearing site: Denver, CO.)

MC 117786 (Sub-81F), filed December 17, 1979. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoeniz, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. Transporting *general commodities,* from points in OH, KY and IN, to points in the US (except AK and HI). Condition: To the extent the certificate granted in this proceeding authorizes the transportation of classes A and B explosives, it will expire 5 years from the date of issuance. (Hearing site: Phoenix, AZ.)

MC 117786 (Sub-82F), filed December 18, 1979. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoeniz, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. Transporting *frozen foods* and *foodstuffs,* in vehicles equipped with mechanical refrigeration, from points in WA, OR, and ID, to points in KS, NE, IN, MI, MO, TX, OH, AR, CA, CO, NM, IA, MT, AL, GA, and LA. (Hearing site: Phoeniz, AZ.)

MC 119777 (Sub-434F), filed December 21, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., Highway 85-East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. Transporting *insulating materials,* from facilities of Pabco Insulation Division of Louisiana-Pacific Corp. at or near Fruita, CO, to points in AR, AZ, CA, ID, IL, IN, IA, KS, LA, MI, MN, MO, MT, NE, NV, NM, ND, OH, OK, OR, SD, TX, UT, WA, WI and WY. (Hearing site: Denver, CO.)

MC 119777 (Sub-435F), filed December 21, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., Highway 85-East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. Transporting: (1)(a) *fibreboard, particleboard, plywood, board and wood products,* and (b) *materials and supplies* used in the installation of commodities in (a) and (2) *equipment, materials and supplies* used in the manufacture or distribution of commodities in (1) (except commodities in bulk), between points in Sussex and Patrick County, VA, and Granville County, NC, on the one hand, and, on the other, points in the U.S. in and east of MN, IA, MO, AR, LA and TX. (Hearing site: Richmond or Norfolk, VA.)

MC 119777 (Sub-436F), filed December 21, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., Highway 85-East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. Transporting (1) *water purification equipment and supplies,* and (2) *equipment, materials and supplies* used in the manufacture of commodities in (1) between Ames and Muscatine, IA, Eau Clair, WI and Delano, PA, on the one hand, and, on the other, points in the U.S. (except AK and HI). (Hearing site: Des Moines, IA.)

MC 119777 (Sub-437F), filed December 21, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., Highway 85-East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. Transporting *iron and steel articles,* from the facilities of Nucor Corporation, at or near Norfolk, NE to points in the United States (except AK and HI). (Hearing site: Omaha, NE.)

MC 121496 (Sub-42F), filed December 17, 1979. Applicant: CANGO CORPORATION, Suite 2900, 1100 Milam Bldg., Houston, TX 77002. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street, NW., Washington, DC 20001. Transporting *petroleum and petroleum products,* in bulk, in tank vehicles, from the facilities of Exxon Company, U.S.A., at or near Baton Rouge, LA, to points in the U.S. (except AK and HI). (Hearing site: Houston, TX.)

MC 123407 (Sub-629F), filed December 20, 1979, Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Rt. 1, Chesterton, IN 46304. Representative: H. E. MIller, Jr., (same address as applicant). Transporting *insulation and materials* used in the manufacture and installation of insulation, between St. Louis, MO, on the one hand, and, on the other, points in the U.S. in and east of MT, WY, CO, and NM (except MO, AK, and HI). (Hearing site: St. Louis, MO.)

MC 123476 (Sub-50F), filed December 19, 1979. Applicant: CURTIS TRANSPORT, INC., P.O. Box 388, Arnold, MO 63010. Representative: David G. Dimitt (same address as applicant). Transporting *petroleum gases,* in bulk, in tank vehicles, between Wood River, and Cehokia, IL, on the one hand, and, on the other, points in MO. (Hearing site: St. Louis, or Kansas City, MO.)

MC 126276 (Sub-212F), filed December 14, 1979. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, IL 60513. Representative: Albert A. Andrin, 180 North La Salle Street, Chicago, IL 60601. Contract carrier, transporting (1) *containers, container ends, and closures,* (2) *commodities* manufactured or distributed by manufacturers and distributors of containers in mixed loads with containers, and (3) *material, equipment, and supplies* used in the manufacture and distribution of containers, container ends and closures, from the facilities of Boise Cascade Corporation, at Boise, ID, to points in the U.S. in and east of MN, IA, MO, KS, OK, and TX, under continuing contract(s) with Boise Cascade Corporation, of Boise, ID. (Hearing site: Chicago, IL.)

MC128246 (Sub-57F), filed December 7, 1979. Applicant: SOUTHWEST TRUCK SERVICE, a corporation, P.O. Box A.D., Watsonville, CA 95076. Representative: William F. King, Suite 400, Overlook Bldg., 6121 Lincolnia Rd., Alexandria, VA 22312. Contract carrier, transporting *meats, meat products and meat byproducts and articles distributed by meat packing houses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodites in bulk), from the facilities of Iowa Beef Processors, Inc., at or near Emporia and Wichita, KS, and Dakota City, NE, to points in WI, MN, IL, and IN, under continuing contract(s) with Iowa Beef Processors, Inc., of Dakota City, NE. (Hearing site: Washington, DC, or Omaha, NE.)

MC 129387 (Sub-107F), filed December 22, 1979. Applicant: PAYNE TRANSPORTATION, INC., P.O. Box 1271, Huron, SD 57350. Representative: Charles E. Dye (same address as applicant). Transporting *foodstuffs,* from Minneapoalis and New Hope, MN, to points in AZ, CA, CO, ID, MT, UT, NV, NM, OR, WA, and WY. (Hearing site: St. Paul, MN, or Chicago, IL.)

MC 133566 (Sub-152F), filed December 18, 1979. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, IN 46947. Representative: Thomas J. Beener, One State Street Plaza, New York, NY 10004. Transporting *foodstuffs* (except in bulk), from the port of entry on the international boundary line between the United States and Canada at Buffalo, NY, to the facilities of Rich Products Corporation, at or near Logansport, IN, and Appleton and Green Bay, WI, restricted to the transportation of traffic destined to the facilites of Rich Products Corporation at or near the named destinations. (Hearing site: New York, NY.)

MC 134286 (Sub-140F), filed December 17, 1979. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Julie Humbert (same address as above). Transporting *frozen bagels* (except in bulk), (1) from the facilities of Lender's Bagel Bakery, Inc. at or near Buffalo, NY, to points in IL (except Chicago), MO (except Kansas City and St. Louis), KS (except Kansas City), CO (except Denver), WI (except Milwaukee), NE (except Omaha), IA, MN, MD, NC, SC, VA, GA, FL, ME, NH, VT, MA, RI, CT, NY, NJ, DE, WV, KY, TN, AL, MS, AR, LA, ND, SD, OK, MT, WY, ID, UT, NM, NV, and DC, and (2) from the facilities of Lender's Bagel Bakery, Inc. at or near West Haven, CT, to points in the US (except AK and HI), restricted to the transportation of traffic originating at the named origins. (Hearing site: Sioux City, IA, or Denver, CO.)

MC 134286 (Sub-141F), filed December 17, 1979. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux city, IA 51102. Representative: Julie Humbert (same address as above). Transporting *weed killing compounds and animal feed supplements* (except in bulk), from the facilities of Eli Lilly & Co. at Clinton, Lafayette, and Indianapolis, IN, to points in TN, TX, NE, IA, ID, CA, MN, GA, NC, CT, MD, ND, and SD. (Hearing site: Sioux City, IA, or Denver, CO).

MC 134286 (Sub-142F), filed December 17, 1979. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Julie Humbert (same address as above). Transporting *hospital supplies* (except commodities in bulk) between the facilities of Abbott Laboratories, at (1) Rocky Mount, NC, (2) North Chicago, IL, and (3) Altavista, VA, on the one hand, and on the other, points in the US (except AK and HI). (Hearing site: Denver, CO, or Sioux City, IA.)

MC 134286 (Sub-143F), filed December 17, 1979. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Julie Humbert (same address as above). Transporting *general commodities* (except in bulk), between points in the US (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Phillips Petroleum Company, Phillips Fibers Corporation, Phillips Chemical Company, and Phillips Products Company, at Houston, TX. (Hearing site: Dallas, TX, or Washington, DC.)

MC 134477 (Sub-339F), filed December 21, 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. Transporting *plastic articles* (except in bulk), from Anoka, MN to points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, WI, and DC. (Hearing site: St. Paul, MN.)

MC 135797 (Sub-295F), filed December 17, 1979. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant, Esq. (same address as applicant). Transporting (1) *plastic articles,* (except in bulk) from the facilities of Mobil Chemical Company at or near Channahon Township and Joliet, IL to points in the United States (except AK and HI), (2) *materials and supplies,* (except in bulk) used in the manufacture and distribution of plastic articles, in the reverse direction. (Hearing site: Chicago, IL, or Washington, DC.)

MC 136407 (Sub-29F), filed December 12, 1979. Applicant: COORS TRANSPORTATION COMPANY, a corporation, 5101 York St., Denver, CO 80216. Representative: Leslie R. Kehl, 1600 Lincoln Center, 1660 Lincoln St., Denver, CO 80264. Contract carrier, transporting (1) *malt beverages,* from points in Jefferson County, CO, to points in AR, under continuing contract(s) with Adolph Coors Company, of Golden, CO, and (2) *equipment, materials and supplies* used and dealt in by breweries, porcelain manufacturers or container manufacturers, from points in AR, to points in Jefferson, Boulder, and Mesa Counties, CO, under continuing contract(s) with Adolph Coors Company, Coors Porcelain Company, and Coors Container Company, all of Golden, CO. (Hearing site: Denver, CO.)

Note.—Dual operations may be involved.

MC 138157 (Sub-210F), filed December 17, 1979. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 S. Market St., Chattanooga, TN 37410. Representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, TN 37412. Transporting *such commodities* as are dealt in and used by manufacturers and wholesalers of household furnishings (except commodities in bulk, commodities which because of their size or weight require the use of special equipment, lumber and construction and building materials), from points in Los Angeles, Orange and Riverside Counties, CA, to points in the U.S. in and east of MT, WY, UT, and MN. (Hearing site: San Francisco, CA.)

Note.—Dual operations may be involved.

MC 138157 (Sub-211F), filed December 17, 1979. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 So. Market St., Chattanooga, TN 37410. Representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, TN 37412. Transporting *such commodities* as are dealt in and used by manufacturers and wholesalers of household furnishings (except commodities in bulk, commodities which because of their size or weight require the use of special equipment, lumber and construction and building materials), from Lancaster and Landisville, PA to points in the U.S. in and west of ND, SD, NE, MO, AR, and LA. (Hearing site: San Francisco, CA.)

Note.—Dual operations may be involved.

MC 138157 (Sub-212F), filed December 20, 1979. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 S. Market St., Chattanooga, TN 37410. Representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, TN 37412. Transporting (1) *such commodities* as are dealt in and used by grocery, hardware and drug stores, (2) *cleaning and building maintenance materials and supplies,* (3) *swimming pool, spa and hot tub products,* (4) *chemicals,* and (5) *materials, equipment and supplies* used in the manufacture, sale and distribution of the commodities named in (1) through (4), Between points in the US (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Purex Corporation. Further restricted against the transportation of commodities in bulk. (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 138387 (Sub-3F), filed December 28, 1979. Applicant: FOOSE TRANSPORT, INC., P.O. Box 12, Rochelle Park, NJ 07662. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Contract carrier transporting *such commodities* as are dealt in or used by manufacturers of pulpboard (except commodities in bulk), between Ridgefield, NJ, on the one hand, and, on the other, points in NY, NH, UT, and CO, under continuing contract(s) with Lowe Paper Company, of Ridgefield, NJ. (Hearing site: New York, NY.)

MC 139206 (Sub-68F), filed December 10, 1979. Applicant: F.M.S. TRANSPORTATION, INC., 2564 Harley Dr., Maryland Heights, MO 63043. Representative: R. C. Mitchell (same address as applicant). Contract carrier, transporting *air conditioners, compressors, humidifying and heating equipment, and materials, equipment and supplies* used in the maufacture, distribution and repair of the above named commodities (except commodities in bulk, and those requiring the use of special equipment), between the facilities of Fedders Corp., at Edison, NJ, Buffalo, NY, and Frederick and Elkton, MD, on the one hand, and, on the other, points in AL, AR, GA, IL, IN, KY, MI, MO, MS, MN, NC, OH, PA, SC, TN, WV, WI, and VA, under continuing contract(s) with Fedders Corp., of Edison, NJ. (Hearing site: St. Louis or Jefferson City, MO.)

MC 139577 (Sub-46F), filed December 21, 1979. Applicant: ADAMS TRANSIT, INC., P.O. Box 338, Friesland, WI 53935. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703. Transporting (1) *foodstuffs, pet foods, and animal feeds,* and (2) *such commodities* as are used in the manufacture and distribution of foodstuffs, pet foods, and animal feeds (except commodities in bulk, in tank vehicles) between points in the US in

and east of ND, SD, NE, CO, OK and TX, restricted to the transportation of traffic originating at or destined to the facilities of Carnation Company. (Hearing site: Madison, WI, or Los Angeles, CA.)

MC 140086 (Sub-5F), filed December 21, 1979. Applicant: DeLARIA TRANSPORT, INC., 327 Eighth Ave. NW, New Brighton, MN 55112. Representative: James M. Christenson, 4444 IDS Center, 80 So. Eighth St., Minneapolis, MN 55402. Transporting (1) *vegetable oils and byproducts,* and (2) *blends* of the commodities in (1), from Riverside, ND, to points in the US (except AK and HI). (Hearing site: Minneapolis, MN.)

MC 141046 (Sub-16F), filed December 17, 1979. Applicant: MASON O. MITCHELL, d.b.a. M. MITCHELL TRUCKING, 1911 "I" Street, LaPorte, IN 46350. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. *Contract carrier,* transporting *such commodities* as are dealt in, by A. E. Staley Manufacturing Company (except commodities in bulk), and *materials, equipment and supplies (except commodities in bulk, Between points in the U.S.* (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of A. E. Staley Manufacturing Company, and under continuing contract(s) with A. E. Staley Manufacturing Company, of Decatur, IL. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 141487 (Sub-1F), filed December 6, 1979. Applicant: FAIRFIELD TRANSPORTATION CORP., P.O. Box 487, East Syracuse, NY 13057. Representative: Michael R. Werner, 167 Fairfield Rd., P.O. Box 1409, Fairfield, NJ 07006. Contract carrier, transporting *foodstuffs* (except in bulk), between points in CT, IL, IN, MA, MI, MO, NJ, NY, OH, PA, and WI, under continuing contract(s) with Nestle Enterprises Incorporated, of White Plains, NY. (Hearing site: New York, NY.)

MC 143437 (Sub-5F), filed December 20, 1979. Applicant: J.R. B., INC., 101 Wheatley Road, Ashland, OH 41101. Representative: Paul F. Beery, 275 East State St., Columbus, OH 43215. Transporting (1) *petroleum and petroleum products,* and (2) *equipment, materials, and supplies* used in the manufacture of petroleum and petroleum products (except commodities in bulk) between Cicero, IL, and Westwood, KY. (Hearing site: Columbus, OH.)

MC 146526 (Sub-6F), filed December 17, 1979. Applicant: WALTER SHORT AGENCY, INC., 5000 Wyoming, Dearborn, MI 48126. Representative: Edwin M. Snyder, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. Transporting *air pollution control devices,* from the facilities of Tri-Mer Corporation located at or near Owosso, MI to points in the US (except AK and HI). (Hearing site: Detroit, MI or Chicago, IL.)

MC 148127 (Sub-7F), filed December 17, 1979. Applicant: LINEHAUL EXPRESS CORPORATION, P.O. Box 5078, Manchester, NH 03108. Representative: Neal R. Michaud (same address as applicant). Transporting *confectionery,* in vehicles equipped with mechanical refrigeration, from Waco, TX, Chicago, IL, Elizabethtown, PA, and Hackettstown, NJ, to points in CT, MA, ME, NH, NJ, NY, IL, and RI, restricted to the transportation of traffic originating at named origins and destined to named destinations. (Hearing site: Concord, NH, or Boston, MA.)

MC 148496 (Sub-2F), filed December 17, 1979. Applicant: O. W. SMITH TRANSPORT, INC., Hwy 71 No., DeQueen, AR 71832. Representative: Thomas B. Staley, 1550 Tower Bldg., Little Rock, AR 72201. Transporting (1) *charcoal briquettes,* and (2) *materials and supplies* used in the manufacture and distribution of charcoal briquettes (except commodities in bulk or commodities which because of their size and weight require the use of special equipment), between the facilities of the Weyerhauser Company, at Dierks, AR, on the one hand, and, on the other, points in KS, LA, MS, MO, OK, TN, and TX. (Hearing site: Little Rock, AR.)

MC 148786 (Sub-2F), filed December 10, 1979. Applicant: JOE GOOD, d.b.a. GOOD TRANSPORTATION, 830 Shoshone Ave., Lovell, WY 82431. Representative: Steven K. Kuhlmann, 2600 Energy Center One, 717–17th St., Denver, CO 80202. Transporting (1) *gypsum, gypsum products, and building materials,* and (2) *materials* used in the installation and distribution of commodities in (1), from Heath, MT, to points in CO and WY. (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be involved.

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Decided: March 7, 1980.

By the Commission, Review Board Number 2, Members Eaton, Liberman, and Jensen.

MC 808 (Sub-65F), filed December 26, 1979. Applicant: ANCHOR MOTOR FREIGHT, INC., 29201 Telegraph Rd., Suite 522, Southfield, MI 48034. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114. *Contract carrier* transporting *motor vehicles,* in truckaway service, from Flint, MI, to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV and DC, under continuing contract(s) with General Motors Corporation. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 2978 (Sub-19F), filed December 28, 1979. Applicant: CLE MAR CARTAGE, INC., P.O. Box 428, Cromwell, IN 46732. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. *Contract carrier,* transporting *paper, paper products, and materials and supplies* used in the manufacture of paper and paper products, between the facilities of Sonoco Products Co., in IL, MI, IN, KY, MO, and OH, on the one hand, and, on the other, points in IL, IN, KY, MI, MO, and OH, and points in WI on and south of U.S. Hwy 151, under continuing contract(s) with Sonoco Products Company. (Hearing site: Indianapolis, IN.)

MC 13569 (Sub-56F), filed November 9, 1979. Applicant: THE LAKE SHORE MOTOR FREIGHT COMPANY, INC., 1200 South State Street, Girard, OH 44420. Representative: Michael R. Werner, 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. Transporting (1) *iron and steel articles* and (2) *materials, supplies* and *equipment* used in the manufacture of iron and steel articles, between the facilities of Sharon Steel Corporation, at Sharon, Ferrell and Greenville, PA, on the one hand, and, on the other, points in CT, MA, NJ, NY, and RI. (Hearing site: Pittsburgh, PA.)

MC 19778 (Sub-103F), filed November 19, 1979. Applicant: THE MILWAUKEE MOTOR TRANSPORTATION COMPANY, 516 W. Jackson Blvd., Suite 508, Chicago, IL 60606. Representative: Robert F. Munsell (same address as applicant). Transporting (1) *household appliances, waste compactors, magnetron tubes, paper, and paper products,* between Middle Amana, IA, on the one hand, and, on the other, Billings, MT, points in WA, and those points in OR west of U.S. Hwy 97, and (2) *wooden buildings,* knocked down, from Tacoma, WA, to points in IA, MN, WI, IL, SD and the upper peninsula of MI. (Hearing site: Chicago, IL, or Seattle, WA.)

MC 23618 (Sub-60F), filed November 5, 1979. Applicant: McALISTER TRUCKING COMPANY, d.b.a. MATCO, a corporation, P.O. Box 2377, Abilene, TX 79604. Representative: E. Larry Wells, P.O. Box 45538, Dallas, TX 75245. Transporting *iron and steel articles,* from the facilities of Century Tube, Inc., at or near Pine Bluff, AR, to points in AL, AZ, CO, FL, GA, IA, KS, KY, LA, MN, MS, MO, NE, NM, NC, ND, OK, SC, SD, TN, TX, VA and WV. (Hearing site: Little Rock, AR, or Dallas, TX.)

MC 26739 (Sub-107F), filed November 28, 1979. Applicant: ALFARM TRUCKLINES, a Corporation, 1703 Embarcadero Road, Palo Alto, CA 94303. Representative: Richard G. Lougee, P.O. Box 10061, Palo Alto, CA 94303. Transporting *truck frames and steel railway car or locomotive bolsters,* from Atchison, KS and St. Joseph, MO, to McCook, IL. (Hearing site: Chicago, IL or Washington, DC.)

MC 29079 (Sub-152F), filed November 9, 1979. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., P.O. Box 935, Kokomo, IN 46901. Representative: Chandler L. Van Orman, 1729 H Street NW., Washington, DC 20006. Transporting (1) *iron and steel, and railroad car and locomotive engine wheels* and (2) *parts and accessories* for the commodities in (1) above between the facilities of Griffin Wheel Company, Div. of Amsted Ind. Inc., at or near (a) Keokuk, IA and (b) Bessemer, AL, and, points in AL, DE, GA, IL, IN, KY, MD, MO, MS, MI, NJ, NY, NC, PA, TN, VA, WV, WI, OH, and DC, and those points in LA east of the Mississippi River. (Hearing site: Washington, DC.)

MC 29079 (Sub-153F), filed November 9, 1979. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., P.O. Box 935, Kokomo, IN 46901. Representative: Chandler L. Van Orman, 1729 H Street NW., Washington, DC 20006. Transporting (1) *iron and steel articles* and (2) *equipment, materials, and supplies* used in the manufacture of iron and steel articles, between the facilities of Dayton Forging & Coating Company, at or near Dayton, OH, on the one hand, and, on the other, points in AL, DE, GA, IN, IL, KY, MD, MI, MS, MO, NJ, NY, NC, OH, PA, SC, TN, VA, WV, WI, and DC, and those points in LA east of the Mississippi River. (Hearing site: Washington, DC.)

MC 29079 (Sub-154F), filed November 9, 1979. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., P.O. Box 935, Kokomo, IN 46901. Representative: Chandler L. Van Orman, 1729 H Street NW., Washington, DC 20006. Transporting (1) *iron sand and chilled shot* (except ammunition), from the facilities of Cleveland Metal Abrasive, Inc., at or near Birmingham, AL, to points in DE, GA, IL, IN, KY, MD, MS, MO, NJ, NY, NC, OH, PA, SC, TN, VA, WV, WI, and DC, points in the lower peninsula of MI, and those in LA on and east of the Mississippi River. (Hearing site: Washington, DC.)

MC 29079 (Sub-155F), filed November 9, 1979. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., P.O. Box 935, Kokomo, IN 46901. Representative: Chandler L. Van Orman, 1729 H Street NW., Washington, DC 20006. Transporting (1) *traffic control products, and pavement marking compounds,* and (2) *equipment, materials, and supplies* used in the maintenance and installation of the commodities in (1) above, between the facilities of Pave Mark Corporation, at or near Atlanta, GA, to points in AL, DE, IL, IN, KY, MD, MI, MS, MO, NJ, NY, NC, OH, PA, SC, TN, VA, WV, WI, and DC, and those points in LA east of the Mississippi River restricted in (1) and (2) against the transportation of commodities in bulk. (Hearing site: Washington, DC.)

MC 33919 (Sub-17F), filed November 30, 1979. Applicant: FAIRCHILD GENERAL FREIGHT, INC., P.O. Box 9967, Yakima, WA 98909. Representative: George H. Hart, 1100 IBM Building, Seattle, WA 98101. Transporting *paper and paper products* from the facilities of Container Corporation of America, at Portland, OR, to those points in WA in and west of Whatcom, Skagit, Snohomish, King, Pierce, Lewis & Skamania Counties. (Hearing site: Portland, OR or Seattle, WA.)

MC 41098 (Sub-50F), filed November 27, 1979. Applicant: GLOBAL VAN LINES, INC., Number One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. Transporting (1) *golf carts and industrial vehicles,* and (2) *materials and supplies* used in the manufacture, distribution, and maintenance of the commodities in (1) above, from the facilities of Nordco Electric Vehicle Division/Nordco Products, Nordskog Industries, Inc., at Redlands CA, to points in the United States (except AK and HI). (Hearing site: Los Angeles, CA.)

MC 49368 (Sub-109F), filed December 6, 1979. Applicant: COMPLETE AUTO TRANSIT, INC., East 4111 Andover Rd., Bloomfield Hills, MI 48013. Representative: Eugene C. Ewald, 100 West Long Lake Rd., Suite 102, Bloomfield Hills, MI 48013. *Contract carrier,* transporting *motor vehicles,* in initial movements, in truckaway service, from the facilities of General Motors Assembly Division, at Atlanta and Doraville, GA to points in AZ, CA, CO, ID, MN, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA, WI, and WY, under continuing contract(s) with General Motors Corportion. (Hearing site: Detroit, MI.)

Note.—Dual operations may be involved.

MC 9368 (Sub-110F), filed December 13, 1979. Applicant: COMPLETE AUTO TRANSIT, INC., East 4111 Andover Road, Bloomfield Hills, MI 48013. Representative: Eugene C. Ewald, 100 West Long Lake Road, Suite 102, Bloomfield Hill, MI 48013. *Contract carrier,* transporting *motor vehicles,* in initial movements, in truckaway service, from the facilities of General Motors Assembly Division, at Flint, MI, to points in AZ, CA, CO, ID, MT, NV, NM, ND, OR, SD, UT, WA and WY, under continuing contract(s) with General Motors Corporation. (Hearing site: Detroit, MI.)

Note.—Dual operations may be involved.

MC 49368 (Sub-111F), filed December 10, 1979. Applicant: COMPLETE AUTO TRANSIT, INC., East 4111 Andover Road, Bloomfield Hills, MI 48013. Representative: Eugene C. Ewald, 100 West Long Lake Road, Suite 102, Bloomfield Hills, MI 48013. *Contract carrier,* transporting *motor vehicles,* in initial movements, in truckaway service, from the facilities of General Motors Corporation, at (a) Baltimore, MD and (b) Linden, NJ, to points in IA, IL, IN, KY, MI, MN, MO, OH, WI and WV, under continuing contract(s) with General Motors Corporation. (Hearing site: Detroit, MI.)

Note.—Dual operations may be involved.

MC 49368 (Sub-112F), filed December 12, 1979. Applicant: COMPLETE AUTO TRANSIT, INC., East 4111 Andover Rd., Bloomfield Hills, MI 48013. Representative: Eugene C. Ewald, 100 W. Long Lake Rd., Ste 102, Bloomfield Hills, MI 48013. *Contract carrier,* transporting (1) *motor vehicles,* in initial movements, in truckaway service, from the facilities of General Motors Assembly Division, at Norwood, OH, to points in AZ, CA, CO, CT, FL, ID, ME, MA, MN, MT, NV, NH, NM, ND, OR, RI, SD, UT, VT, WA and WY; and (2) *motor vehicles,* in secondary movements, in truckaway service, between points in OH, on the one hand, and, on the other, CT, FL, MA, ME, NH, RI, and VT, under continuing contract(s) with General Motors Corporation. (Hearing site: Detroit, MI.)

Note.—Dual operations may be involved.

MC 78228 (Sub-151F), filed November 29, 1979. Appliant: J MILLER EXPRESS, INC., 962 Greentree Road, Pittsburgh, PA 15220. Representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, PA 15219. Transporting (1) activated carbon, in bulk, in dump vehicles, from Pryor, OK, to points in the United States (except AK and HI), and (2) spent carbon, in bulk, in dump vehicles, in the reverse direction.

MC 99919 (Sub-7F), filed November 30, 1979. Applicant: FREMONT EXPRESS, INC., 620 E. Factory, P.O. Box Q, Fremont, NE 68025. Representative: Scott T. Robertson, 521 South 14th St.,

Suite 500, P.O. Box 81849, Lincoln, NE 68501. Transporting *chemicals,* from Fremont, NE, to points in AL, AZ, CO, ID, IL, IN, IA, KS, KY, LA, MI, MN, MO, MS, MT, ND, OK, OR, SD, TN, TX, UT, WA, WI, and WY.

MC 106398 (Sub-1030F), filed November 27, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Fred Rahal, Jr., 525 South Main, Tulsa, OK 74103. Transporting *flat glass,* from the facilities of Guardian Industries, at or near Corsicana, TX, to points in the United States (except AK and HI). (Hearing site: Dallas, TX.)

MC 109708 (Sub-101F), filed November 29, 1979. Applicant: INDIAN RIVER TRANSPORT CO., P.O Box AG, Dundee, FL 33838. Representative: William C. Bailey (same address as applicant). Transporing *liquid foodstuffs,* in bulk, in tank vehicles, between points in the United States (except AK and HI). (Hearing site: Orlando, FL.)

MC 109818 (Sub-74F), filed November 30, 1979. Applicant: WENGER TRUCK LINE, INC., P.O. Box 3427, Davenport, IA 52804. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. Transporting *nuts and bolts,* between Northbrook, IL, on the one hand, and on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 109818 (Sub-75F), filed November 30, 1979. Applicant: WENGER TRUCK LINE, INC., P.O. Box 3427, Davenport, IA 52808. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. Transporting *metal building and materials, supplies, and accessories* used in the manufacture of metal buildings, between Atlantic, IA on the one hand, and, on the other, points in IL, IN, NE, CO, WY, ID, MT, TX, OK, KS, AR, AL, MO, KY, NV, SD, WI, and NM. (Hearing site: Omaha, NE, or Des Moines, IA.)

MC 110988 (Sub-407F), filed November 30, 1979. Applicant: SCHNEIDER TANK LINES, INC., 4321 W. College Ave., Appleton, WI 54911. Representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, WI 54306. Transporting *such commodities* as are dealt in or used by meat packinghouses, in bulk, in tank vehicles, from the facilities of John Morrell & Company, at or near (a) Amarillo, TX, (b) Estherville, IA, (c) Ft. Smith, AR, (d) Lubbock, TX, (e) Memphis, TN, (f) Shreveport, LA, (g) Sioux City, IA, and (h) Sioux Falls, SD, to points in IL, IN, IA, KY, MI, MN, MO, OH, and WI, restricted to the transportation of traffic originating at the above named facilities. (Hearing site: Chicago, IL.)

MC 111289 (Sub-11F), filed June 22, 1979. Applicant: RICHARD D. FOLTZ, P.O. Box 161, Orwigsburg, PA 17961. Representative: S. Berne Smith, P.O. Box 1166, 100 Pine Street, Harrisburg, PA 17108. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs,* in vehicles equipped with mechanical refrigeration (except commodities in bulk), (1) from the facilities of Y & S Candies, Inc., and Hershey Foods Corporation, in East Hempfield, Township, Lancaster County, PA, to Baltimore, MD, Louisville, KY, points in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Monmouth, Ocean, and Salem Counties, NJ, those points in Montgomery and Howard Counties, MD, on and west of MD Hwy 97, those points in Prince Georges and Anne Arundel Counties, MD, on, north, and west of a line beginning at the DC-MD State line and extending over MD Hwy 4 to junction MD Hwy 3, then over MD Hwy 3 to the Anne Arundel County-Baltimore City line, those points in NY on and west of Interstate Hwy 87, and those points in OH south and west of a line beginning at the OH-IN State line and extending along Interstate Hwy 70 to junction U.S. Hwy 68, then along Hwy 68 to the OH-KY State line, and (2) from the facilities of San Giorgio Macaroni, Inc., at (a) Louisville, KY, and (b) Auburn, NY, to the facilities of Dauphin Distribution Services Co., in Hampden Township, Cumberland County, PA, under continuing contract(s) in (1) and (2) above with Hershey Foods Corporation, of Hershey, PA, San Giorgio Macaroni, Inc., of Lebanon, PA, and Y & S Candies, Inc., of Lancaster, PA.

MC 111289 (Sub-16F), filed December 4, 1979. Applicant: RICHARD D. FOLTZ, P.O. Box 161, Orwigsburg, PA 17961. Representative: S. Berne Smith, P.O. Box 1166, Harrisburg, PA 17108. *Contract carrier* transporting *such commodities* as are dealt in by grocery and food business houses, from the facilities of Dauphin Distribution Services Co., (a) in Silver Spring and Hampden Townships (Cumberland County), PA and (b) at or near Camp Hill, PA, to Baltimore, MD, Washington, DC, points in New Castle County, DE, those points in Montgomery and Howard Counties, MD, on and east of MD Hwy 97, those in Anne Arundel and Prince Georges Counties, MD, on, west, and north of a line beginning at the MD–DC line, and extending along MD Hwy 4 to junction MD Hwy 3, and then along, MD Hwy 3 to the Anne Arundel-Baltimore County line, points in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Monmouth, Ocean, and Salem Counties, NJ, and points in NY on and west on Interstate Hwy 87, under continuing contract(s) with Nabisco, Inc., of East Hanover, NJ and Dauphin Distribution Services Co., of Mechanicsburg, PA. (Hearing site: Harrisburg, PA or Washington, DC.)

MC 113158 (Sub-43F), filed November 9, 1979. Applicant: TODD TRANSPORT CO., INC., Box 158, Secretary, MD 21664. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107. Transporting *foodstuffs,* (except in bulk), from Parkesburg, PA and Fruitland, MD, to points in VA, NC, SC, GA, and FL, restricted to the transportation of traffic originating at the named origins and destined to the named destination states. (Hearing site: Philadelphia, PA.)

MC 113528 (Sub-45F), filed November 9, 1979. Applicant: MERCURY FREIGHT LINES, INC., P.O. Box 1247, Mobile, AL 36601. Representative: Joy Stephenson (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from the facilities of Texas Refinery Corporation, at or near Fort Worth, TX, to Church Point and LaFayette, LA. (Hearing site: Fort Worth, TX or Mobile, AL.)

MC 114569 (Sub-351F), filed November 30, 1979. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N.L. Cummins (same address as applicant). Transporting (1) *confectionery, cocoa, and chocolate* (except commodities in bulk), and (2) *materials, supplies, and equipment* used in the manufacture or distribution of the commodities in (1) above (except commodities in bulk), from the facilities of Hershey Chocolate Co., Y & S Candies, Inc. in Lancaster County, PA, to Oakdale, CA, and points in AL, AZ, AR, CO, IL, IN, IA, KS, KY, LA, MI, MN, MO, MS, NE, ND, OH, OK, SD, TN, TX, WI, and WY. (Hearing site: Harrisburg, PA or Washington, DC.)

Note.—Dual operations may be involved.

MC 114829 (Sub-23F), filed December 28, 1979. Applicant: GENERAL CARTAGE COMPANY, INC., P.O. Box 417, Sterling, IL 61081. Representative: Bernard J. Kompare, Ste. 1600, 10 S. LaSalle St., Chicago, IL 60603. *Contract carrier,* transporting (1) *paper and paper products,* from Cedar Rapids, IA, to points in IL, IN, KS, MI, MN, MO, NE,

OH, SD and WI; and (2) *equipment, materials and supplies* used in the manufacture and distribution of the commodities named in (1) above (except commodities in bulk), in the reverse direction, under continuing contract(s) in (1) and (2) with the Weyerhaeuser Company. (Hearing site: Chicago, IL.)

MC 117119 (Sub-786F), filed November 5, 1979. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean (same address as applicant). Transporting *lighting fixtures, and parts for lighting fixtures,* from the facilities of Lithonia Lighting, Division of National Service Industries, Inc., at or near (a) Cochran and Conyers, GA and (b) Crawfordville, IN, to points in ID, OR, WA, NV, UT, WY, CA, CO and MT. (Hearing site: Atlanta, GA.)

MC 117119 (Sub-789F), filed November 9, 1979. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: Martin M. Geffon, P.O. Box 156, Mt. Laurel, NJ 08054. Transporting: *chemicals* (except in bulk, in tank vehicles), from points in MS, to points in IN.

MC 118959 (Sub-240F), filed August 20, 1979, published in **Federal Register** issue February 20, 1980. Applicant: JERRY LIPPS, INC., 130 South Frederick, Cape Girardeau, MO 63701. Representative: Donald B. Levine 39 South La Salle Street, Chicago, IL 60603. Transporting *paper and paper products,* (1) between Marinette, Oconto Falls, Fond du Lac, and Green Bay, WI on the one hand, and, on the other, points in IL, MN, MO, MI, IN, IA, OH, and KS, and (2) From Chicago, IL to points in MO, MN, KS, IA, and IN. (Hearing site: Chicago, IL.) This republication corrects Sub to read 240F in lieu of 33F.

MC 118959 (Sub-244F), November 9, 1979. Applicant: JERRY LIPPS, INC., 130 South Frederick, Cape Girardeau, MO 63701. Representative: Donald B. Levine, 39 South La Salle Street, Chicago, IL 60603. Transporting (a) *plastic bags,* from the facilities used by Terminal Paper Bag Co., Inc., at Yulee, FL, to points in AL, AR, AZ, CA, CO, DE, GA, KY, IL, IN, IA, KS, LA, MS, MI, MO, MN, NE, NJ, MN, NY, NC, OH, OK, OR, PA, SC, TN, TX, UT, VA, WA, WV, and WI; and (b) *materials* used in the manufacture of plastic bags (except commodities in bulk), in the reverse directions.

MC 119089 (Sub-7F), filed December 10, 1979. Applicant: WISCONSIN REFRIGERATED SERVICES, INC., 11400 West Burleigh Street, Wauwatosa, WI 53222. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, WI 53705. Contract carrier transporting (1) *frozen foodstuffs,* and (2) *frozen meats and frozen meat byproducts,* unfit for human consumption, from points in the United States (except AK and HI), to the facilities of Wiscold, Inc. at or near Beaver Dam and Milwaukee, WI, under continuing contract(s) with Wiscold, Inc., of Milwaukee, WI.

MC 119399 (Sub-117F), filed November 27, 1979. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, 2900 Davis Blvd., Joplin, MO 64801. Representative: Thomas P. O'Hara (same addres as applicant). Transporting *empty drums* used in the transportation of petroleum products from points in AL, AR, IL, IN, IA, KS, KY, MI, MN, MS, MO, NE, ND, OH, OK, SD, TN, and WI, to Houston, TX, and the facilities of Evans Drum Company, near Dayton, TX. (Hearing site: Houston, TX or New Orleans, LA.)

MC 119599 (Sub-8F), filed November 8, 1979. Applicant: HARSHMAN-INDUSTRIAL CARTAGE CO., INC., 1617 Warren Ave., Niles, OH 44446. Representative: Robert W. Gardier, Jr., 100 East Broad Street, Columbus, OH 43215. Transporting (1) *adhesives, building materials, composition board, mineral fiber, mineral fiber products, gypsum, gypsum products, paint, and paint products* (except commodities in bulk), and (2) *materials and supplies* used in the manufacture, installation, and distribution of the commodities in (1) above (except commodities in bulk), between the facilities of the United States Gypsum Company at (a) East Chicago, IN, (b) River Rouge, MI, (c) Gypsum, OH, and (d) Oakfield, NY, on the one hand, and, on the other, points in WI, IL, IN, KY, MI, OH, NY, PA and WV. (Hearing site: Columbus, OH or Washington, DC.)

MC 119599 (Sub-9F), filed November 9, 1979. Applicant: HARSHMAN-INDUSTRIAL CARTAGE CO., INC., 1617 Warren Ave., Niles, OH 44446. Representative: Robert W. Gardier, Jr., 100 East Broad Street, Columbus, OH 43215. Transporting (1) *building materials, gypsum, and gypsum products,* and (2) *materials, equipment, and supplies* used in the manufacture, distribution and installation of the commodities in (1) above (except commodities in bulk), between the facilities of the United States Gypsum Company, in Martin County, IN, on the one hand, and, on the other, those points in the United States in and east of WI, IL, KY, TN, and MS. (Hearing site: Columbus, OH or Washington, DC.)

MC 119988 (Sub-228F), filed November 28, 1979. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, TX 75901. Representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, TX 75201. Transporting (1) *Plumbing fixtures and plumbing supplies,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between the facilities of Kohler Company, at Spartanburg, SC, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Dalalas, TX.)

MC 125368 (Sub-95F), filed November 5, 1979. Applicant: CONTINENTAL COAST TRUCKING COMPANY, INC., P.O. Box 26, Holly Ridge, NC 28445. Representative: C. W. Fletcher, (same address as applicant). Transporting *meats, meat products, meat by-products, and articles distributed by meat packinghouses,* as described in Section A & 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 used by John Morrell & Co. at or near (a) Estherville and Sioux City, IA, (b) Sioux Falals, SD, and (c) Worthington, MN, to points in AL, CT, DE, FL, GA, IL, IN, KY, LA, ME, MD, MA, MI, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VA, WV, and DC, restricted to the transportation of traffic originating at the named origin facilities. (Hearing site: Washington, DC or Chicago, IL.)

MC 125368 (Sub-96F), filed November 5, 1979. Applicant: CONTINENTAL COAST TRUCKING COMPANY, INC., P.O. Box 26, Holly Ridge, NC 28445. Representative: C. W. Fletcher (same address as applicant). Transporting *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 Carriers Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities used by John Morrell & Company, at or near (a) Amarillo, El Paso, and Lubbock, TX, (b) Arkansas City and Wichita, KS, (c) Shreveport, LA, and (d) Memphis, TN, to points in AL, CT, DE, FL, GA, IL, IN, KY, LA, ME, MD, MA, MI, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VA, WV, and DC, restricted to the transportation of traffic originating at the named origin facilities. (Hearing site: Washington, DC or Chicago, IL.)

MC 126118 (Sub-203F), filed November 27, 1979. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: David R. Parker (same address as applicant). Transporting *general*

commodities (except those of unusual value, commodities in bulk, those which because of size or weight require the use of special equipment, and household goods as defined by the Commission), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Union Camp Corporation. Condition: Any certificate issued in this proceeding shall be limited in term to a period of 5 years from its date of issuance. (Hearing site: Philadelphia, PA or Lincoln, NE.)

Note.—Dual operations may be involved.

MC 127579 (Sub-32F), filed November 12, 1979. Applicant: HAULMARK TRANSFER, INC., 1100 North Macon Street, Baltimore, MD 21205. Representative: Glenn M. Heagerty (same address as applicant). Transporting *clay*, (except in bulk) from the facilities of Waverly Mineral Products Company, in Thomas County, GA, to points in the United States (except AK and HI). (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 128988 (Sub-103F), filed December 21, 1979. Applicant: JO/KEL, INC., 15580 South 169 Highway, Olathe, KS 66061. Representative: Kenneth E. Smith (same as applicant). Contract carrier transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Westinghouse Electric Corp., under continuing contract(s) with Westinghouse Electric Corp., of Pittsburgh, PA.

Note.—Dual operations may be involved.

MC 134349 (Sub-34F), filed December 20, 1979. Applicant: B.L.T. CORPORATION, 405 Third Avenue, Brooklyn, NY 11215. Representative: Eugene M. Malkin, Suite 1832, Two World Trade Center, New York, NY 10048. *Contract carrier* transporing *such commodities* as are dealt in or used by discount department stores (except commodities in bulk and foodstuffs), betwen New York, NY and points in NJ, on the one hand, and, on the other, points in DE, FL, TN, and PA, under continuing contract(s) with Jefferson-Ward divison of Montgomery Ward & Co., Inc. (Hearing site: New York, NY.)

MC 135598 (Sub-36F), filed November 8, 1979. Applicant: SHARKEY TRANSPORTATION, INC., P.O. Box 3156, Quincy, IL 62301. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603. Transporting (1) *wrapping paper, cellulose film products, foil pans and foil wrappers*, and (2) *material, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), between (1) Ft. Madison, IA, and West Point, MS, and (2) between Ft. Madison, IA and West Point, MS, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

Note.—Dual operations may be involved.

MC 135678 (Sub-9F), filed November 9, 1979. Applicant: MIDWESTERN TRANSPORTATION, INC., 20 S.W. 10th, Oklahoma City, OK 73125. Representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. Transporting *automobile floor coverings from* the facilities of Collins & Aikman Corporation, at Clinton, OK, to the facilities of (a) General Motors Corporation, at Fremont, CA, and (b) Ford Motor Company at Milpitas and Pico Rivera, CA. (Hearing site: Oklahoma City, OK.)

MC 135989 (Sub-14F), filed December 7, 1979. Applicant: COAST EXPRESS, INC., 14280 Monte Vista Ave., Chino, CA 91710. Representative: William J. Lippman, 50 South Steele St., Suite 330, Denver, CO 80209. Contract carrier transporting (1) *plastic pipe* and *fittings*, and (2) *materials, supplies and equipment* used in the manufacture of plastic pipe and fittings, between Asheville, NC and Los Angeles, CA, on the one hand, and, on the other, points in the US (exept AK and HI), under continuing contract(s) with Orangeburg Plastics Company of Los Angeles, CA. (Hearing site: Los Angeles, CA.)

MC 136318 (Sub-64F), filed December 10, 1979. Applicant: COYOTE TRUCK LINE, INC., 501 Sam Ralston Road, Lebanon, IN 46052. Representative: Steven K. Kuhlmann, 2600 Energy Center One, 717 17th Street, Denver, CO 80202. Contract carrier transporting *new furniture*, from Bedford Park, IL to those points in the United States in and east of MN, IA, MO, AR, and LA under continuing contract(s) with Douglas Furniture Corporation. (Hearing site: Chicago, IL.)

Note.—Dual operations may be involved.

MC 136669 (Sub-16F), filed December 7, 1979. Applicant: PROCESSED BEEF EXPRESS, INC., P.O. Box 522, Dakota City, NE 68731. Representative: Robert E. Gillespie (same address as applicant). *Contract carrier*, transporting (1) *meats, meat products and meat byproducts, 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 (a) from the facilities used by Iowa Beef Processors, Inc., at or near Holcomb, KS, to points in the United States (except AK and HI), and (b) from points in AZ, CA, CO, ID, IL, IA, KS, MN, MO, MT, NV, NE, NM, ND, OK, OR, SD, TX, UT, WA, WI, and WY to the origin facilities in (1)(a) above, and (2) *materials, supplies, and equipment* used in the conduct of business by meat packinghouses and hide companies from points in the United States (except AK and HI), to the facilities of Iowa Beef Processors, Inc., at or near Holcomb, KS, under continuing contract(s) in (1) and (2) with Iowa Beef Processors, Inc. (Hearing site: Omaha, NE or Kansas City, MO.)

Note.—Dual operations may be involved.

MC 138469 (Sub-192F), filed November 6, 1979. Applicant: DONCO CARRIERS, INC., 4720 S.W. 20th St., Oklahoma City, OK 73128. Representative: Jack H. Blashan, 205 W Touhy Ave., Ste. 200, Park Ridge, IL 60068. Transporting *meats, meat products, meat by-products, and articles distributed by meat-packing houses*, as described in Section A and C of Appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 MCC 209 and 766 (except hides and commodities in bulk), from the facilities of Cornett Packing Company and Mikkelson Beef, Inc., at Oklahoma City, OK, to points in AR, CO, IN, KS, KY, MI, NE and TX, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Oklahoma City, OK or Dallas, TX.)

MC 138469 (Sub-194F), filed November 9, 1979. Applicant: DONCO CARRIERS, INC., 4720 S.W. 20th St., Oklahoma City, OK 73128. Representative: Jack H. Blanshan, 205 W Touhy Ave., Suite 200, Park Ridge, IL 60068. Transporting (1) *toilet preparations, and shampoo* (except commodities in bulk, in tank vehicles), and (2) *accessories* used in the application of the commodities in (1) above, from the facilities of Cosmair, Inc., at Clark, Piscataway, and South Brunswick, NJ, to points in AZ, CA, CO, IL, NV, NM, OK, UT and TX, restricted to the transportation of traffic originating at the named origin and destined to the indicated destination (Hearing site: Washington, DC or New York, NY.)

MC 138469 (Sub-200F), filed November 27, 1979. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Representative: Jack H.

Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Transporting *corrugated fibreboard boxes and corrugated fibreboard sheets* (except in bulk), from Dallas, TX, to the facilities of Corrugated Packaging and Design, Inc., at Oklahoma City, OK, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Oklahoma City, OK or Dallas, TX.)

MC 139769 (Sub-2F), filed June 25, 1979, published in **Federal Register** issue January 22, 1980. Applicant: FALCON CHARTER SERVICE, INC., 120 Perry Street, San Francisco, CA 94107. Representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, CA 94108. Transporting *passengers and their baggage,* in the same vehicle with passengers, in charter operations, beginning and ending at San Francisco, CA, and extending to points in Douglas, Storey and Washoe Counties, and Carson City, NV. (Hearing site: San Francisco, CA, or Reno, NV.)

MC 142268 (Sub-39F), filed November 8, 1979. Applicant: GORSKI BULK TRANSPORT, INC., R.R. #4, Harrow, Ontario, Canada NOR 1G0. Representative: Robert E. McFarland, 999 West Big Beaver Road, Suite 1002, Troy, MI 48084. Transporting *soybean products* and *grain products,* between points in the United States (except AK and HI.)

MC 142279 (Sub-8F), filed December 20, 1979. Applicant: RAY REICH, d.b.a. REICH TRUCKING COMPANY, Route 1, Box 133F, Forest Hill, LA 71430. Representative: Paul D. Angenend, P.O. Box 2207, Austin, TX 78768. *Contract carrier* transporting *building materials and supplies* (except commodities in bulk, in tank vehicles), between points in AR, LA, MS, TN and TX, restricted to the transportation of traffic originating at or destined to the facilities of Martin Home Centers Inc., d.b.a. Martin Distributors, under continuing contract(s) with Martin Home Centers, Inc., d.b.a. Martin Distributors. (Hearing site: New Orleans, LA or Houston, TX.)

MC 142548 (Sub-6F), filed December 7, 1979. Applicant: STALEY EXPRESS, INC., 201 N. Brush College Road, Decatur, IL 62526. Representative: Fritz R. Kahn, Suite 1100, 1660 L Street, N.W., Washington, DC 20036. Contract carrier, transporting *iron castings* from the facilities of Wagner Castings Company, at Decatur, IL, to Buffalo, NY and Mount Clemens, MI, under continuing contract(s) with Wagner Castings Company. (Hearing site: Springfield, IL or Washington, DC.)

MC 142998 (Sub-9F), filed November 27, 1979. Applicant: LAUGHLIN LINES, INC., P.O. Box 11886, Reno, NV 89510. Representative: Harley E. Laughlin, Suite 264, Airport Plaza, 1755 E. Plumb Lane, Reno, NV 89502. Transporting (1) *malt beverages and materials, equipment and supplies* used in the manufacture and distribution of malt beverages, between the facilities used by the Miller Brewing Company, at or near Irwindale, CA, on the one hand, and, on the other, points in AZ, AK, NM, CO, UT, NV, OR, WA, ID, MT and WY; (2) *foodstuffs,* from the facilities used by Star-Kist Foods, Inc., at or near Terminal Island, CA, to points in the United States (including AK, but excluding HI), and (3) *foodstuffs;* between the facilities of Wagner Distribution Services, Inc., at or near Anaheim and Brea, CA, on the one hand, and, on the other, points in OR, WA, ID, NV, UT, AZ, NM, CO, WY, MT, and TX. (Hearing site: Reno, NV.)

MC 142998 (Sub-10F), filed November 27, 1979. Applicant: LAUGHLIN LINES, INC., P.O. Box 11886, Reno, NV 89510. Representative: Harley E. Laughlin, Suite 264, Airport Plaza, 1755 E. Plumb Lane, Reno, NV 89502. Transporting *general commodities* (except those of unusual value, classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the facilities of Hub West, Inc., in Warren County, IA, on the one hand, and, on the other, points in the United States (including AK but except HI) restricted to the transportation of traffic originating at or destined to the above named facilities of Hub West, Inc. (Hearing site: Reno, NV.)

MC 142999 (Sub-25F), filed December 6, 1979. Applicant: TRANSPORT MANAGEMENT SERVICE, CORPORATION, P.O. Box 39, Burlington, NJ 08016. Representative: Ronald n. Cobert, 1730 M Street, N.W., Suite 501, Washington, DC 20036. *Contract carrier,* transporting *pesticides, fertilizer compounds, and chelating compounds* (except commodities in bulk), from points in CA, OR, and WA, to Birmingham, McIntosh, Mobile and Montgomery, AL, Memphis and Millington, TN, Baton Rouge and St. Gabriel, LA, and Jackson, MS, under a continuing contract(s) with Ciba Geigy Corporation of Ardsley, NJ. (Hearing site: Washington, DC.)

MC 143218 (Sub-7F), filed December 10, 1979. Applicant: DONALD SANTISI TRUCKING COMPANY, a corporation, 1024 North Main Street, Niles, OH 44446. Representative: Paul F. Beery, 275 East State Street, Columbus, OH 43215. *Contract carrier,* transporting *building materials* (except commodities in bulk), between Cuyahoga Falls, Wadsworth, and West Salem, OH, on the one hand, and, on the other, points in AZ, CA, ID, MT, NV, OK, OR, TN UT, and WA, under continuing contract(s) with Alside, Inc. (Hearing site: Columbus, OH.)

MC 143218 (Sub-8F), filed December 31, 1979. Applicant: DONALD SANTISI TRUCKING COMPANY, a corporation, 1024 North Main Street, Niles, OH 44446. Representative: Paul F. Beery, 275 East State Street, Columbus, OH 43215. *Contract carrier,* transporting *plasticizers* (except in bulk), from Cleveland, OH to points in AZ, CA, NV, OR, TX, and WA, under continuing contract(s) with Synthetic Products Company, of Cleveland, OH. (Hearing site: Columbus, OH.)

MC 143328 (Sub-30F), filed November 27, 1979. Applicant: EUGENE TRUPP TRUCKING, a corporation, P.O. Box 2730, Missoula, MT 59806. Representative: David A. Sutherlund, 1150 Connecticut Ave., NW., Suite 400, Washington, DC. 20036 Transporting (1) *malt beverages* from Portland, OR, to points in AZ, CA, CO, MT, NV, UT and WY, and (2) *materials and supplies* used or dealt in by breweries, in the reverse direction. (Hearing site: Portland, OR.)

MC 143358 (Sub-8F), filed December 4, 1979. Applicant: STATE EXPRESS, INC., P.O. Box 279, Mountain View, GA 30070. Representative: Bruce E. Mitchell, 3390 Peachtree Road, N.E., Suite 520, Lenox Towers South, Atlanta, GA 30326. *Contract carrier* transporting *general commodities* (except commodities in bulk), between points in the United States (except AK and HI), under continuing contract(s) with Union Camp Corporation. CONDITION: Any permit issued here to the extent it authorizes the transportation of classes A and B explosives shall be limited in term to a period of time expiring 5 years from its date of issuance. (Hearing site: Altanta, GA.)

MC 143478 (Sub-13F), filed December 5, 1979. Applicant: G. P. THOMPSON ENTERPRISES, INC., P.O. Box 146, Midway, AL 36053. Representative: Terry P. Wilson, 420 South Lawrence Street, Montgomery, AL 36104. *Contract carrier,* transporting *meats, meat products,* and *meat by-products,* and *articles distributed by meat packing-houses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from points in the United States, to the facilities of Dixie

Packers, Inc., in Madison County, FL, under continuing contract(s) with Dixie Packers, Inc. (Hearing site: Tallahassee or Jacksonville, FL.)

MC 144189 (Sub-6F), filed December 4, 1979. Applicant: CORPORATE TRANSPORT INC., 107 7th North Street, Liverpool, NY 13088. Representative: Edward M. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528. *Contract carrier,* transporting *such commodities* as are dealt in or used by a manufacturer of paper and paper products (except commodities in bulk), from Canton, OH, to points in CT, DE, DC, MD, MA, ME, NH, NJ, NY, PA, RI, VT, and VA, under continuing contract(s) with St. Regis Paper Company, of New York, NY.) (Hearing site: New York, NY.)

MC 144189 (Sub-7F), filed December 10, 1979. Applicant: CORPORATE TRANSPORT INC., 107 7th North Street, Liverpool, NY 13088. Representative: Edward M. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528. *Contract carrier,* transporting *such commodities* as are dealt in or used by a manufacturer of paper and paper products (except commodities in bulk), from Cincinnati, Dayton, Middletown and Norwood, OH, to points in MA, NH, and NY, under continuing contract(s) with Diamond International Corporation, of New York, NY. (Hearing site: New York, NY.)

MC 144978 (Sub-7F), filed December 31, 1979. Applicant: MIDWESTERN PLASTICS & CHEMICALS, INC., 1025 Ave. M, Grand Prairie, TX 75050. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. *Contract carrier,* transporting *such commodities* as are dealt in by a manufacturer or distributor of plastic articles, (except commodities in bulk), between the facilities of Roper Plastics, Inc., at or near Grand Prairie, TX, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Roper Plastics, Inc. (Hearing site: Houston, TX or Washington, DC.)

MC 145189 (Sub-2F), filed December 26, 1979. Applicant: RONALD E. MACFARLANE, 715 Woodstock Rd., Fredericton, NB E3A 2T4 CD. Representative: Michael T. Healy, Two Canal Plaza, Portland, ME 04112. *Contract carrier,* in foreign commerce only, transporting *untreated rock salt,* in bulk from the port of entry on the international boundary line between the United States and Canada, at Houlton, ME, to points in Aroostook, Hancock, Washington and Penobscot Counties, ME, under continuing contract(s) with Moore Chemicals, Inc. (Hearing site: Portland, ME or Boston, MA.)

MC 145459 (Sub-2F), filed November 9, 1979. Applicant: SERVICE EQUIPMENT & TRUCKING, INC., Box 162, Mattoon, IL 61932. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. Transporting *road paving machines,* from Mattoon, IL to points in the United States (except AK and HI) restricted to the transportation of traffic originating at the facilities of Blaw-Knox Construction Equipment Co. at Mattoon, IL. (Hearing site: Chicago, IL.)

MC 145468 (Sub-29F), filed November 9, 1979. Applicant: K.S.S. TRANSPORTATION CORP., Route 1 and Adams Station, P.O. Box 3052, North Brunswick, NJ 08902. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. Transporting *meats, meat products, meat by-products, and articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Custom Beef Fabricators of Iowa, Inc., at Hartley, IA, to points in FL, GA, IN, KY, MI, NC, OH, SC, and TN. (Hearing site: Des Moines, IA or Omaha, NE.)

MC 145829 (Sub-13F), filed December 18, 1979. Applicant: ETI Corp., P.O. Box 1, Keasbey, NJ 08832. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Contract carrier,* transporting *empty glass bottles,* (1) from Vienna, WV, to points in NY, NJ, PA, MD, DE, OH, CT, RI, NH, VT, and ME, and (2) from Coventry, RI, to points in NY, NJ, PA, MD, DE, OH, and WV, under continuing contract(s) in (1) and (2) with National Bottle Company, of Bala Cynwyd, PA. (Hearing site: Philadelphia, PA or Washington, DC.)

MC 146148 (Sub-8F), filed November 27, 1979. Applicant: B-RIGHT TRUCKING CO. a corporation, 492 Old State Route 7, Pottery Addition, Steubenville, OH 43952. Representative: A. Charles Tell 100 East Broad Street, Columbus, OH 43215. Transporting *iron and steel articles,* from the facilities of Krohn Steel Service Center, Inc., at Springfield, OH, to points in GA, TN, KY, IN, and IL. (Hearing site: Washington, DC.)

MC 146309 (Sub-5F), filed December 26, 1979. Applicant: IRVIN D. BLAIR d.b.a. D & T TRUCKING CO., 4300 Curtis Ave., Baltimore, MD 21226. Representative: Walter T. Evans, 7961 Eastern Ave., Silver Spring, MD 20910. *Contract carrier,* transporting *steel articles* (1) from Baltimore, MD, to points in PA, VA, WV, and DC and (2) from points in NJ, PA and VA to Baltimore, MD, under continuing contract(s) in (1) and (2) with Alexandria Steel Corporation and Stone Steel Corporation. (Hearing site: Baltimore, MD.)

MC 146448 (Sub-9F), filed November 29, 1979. Applicant: C & L TRUCKING, INC., P.O. Box 409, Judsonia, AR 72081. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., Mclean, VA 22101. Transporting *general commodities* (except those of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring special equipment), between the facilities of American Olean Tile Co., at Fayette, AL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Philadelphia, PA or Washington, DC.)

MC 146628 (Sub-3F), filed filed December 26, 1979. Applicant: HUNT SUPER SERVICE, INC., Route 50 North, P.O. Box 270, Bradley, IL 60915. Representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, IL 60174. *Contract carrier,* transporting *bearings and power transmission products* (except commodities in bulk), from Chicago, IL, to points in IN, IA, KY, MI, MN and WI, under continuing contract(s) with Berry Bearing Company (Hearing site: Chicago, IL.)

MC 146689 (Sub-2F), filed December 18, 1979. Applicant: ROBERT L. LIST, RONALD DINNOCENTI, ANGELINE DINNOCENTI AND CHARLES W. YETTER, III, a Partnership d/b/a LARK LEASING COMPANY, 261 Malpewood Drive, Pottstown, PA 19464. Representative: Richard D. Linderman, 41 High Street, Pottstown, PA 19464. *Contract carrier,* transporting *such commodities* as are dealt in or used by glass manufacturers, from Royersford and Linfield, PA, to points in CT, NJ, NY, MD and VA, under a continuing contract(s) with Diamond Glass Company, of Royersford, PA. (Hearing site: Philadelphia, PA.)

MC 147399 (Sub-2F), filed December 5, 1979. Applicant: JACK B. ROBERTSON d/b/a J. R. TRANSPORTATION, 1946 Davis Street, San Leandro, CA 94577. Representative: George M. Carr, 235 Montgomery Street, Suite 1620, San Francisco, CA 94104. *Contract carrier,* transporting *such commodities* as are dealt in by department stores or mail order houses (except commodities in bulk, and commodities requiring special equipment), between the facilities of Montgomery Ward & Co., at Oakland, CA, on the one hand, and, on the other, the facilities of Montgomery Ward &

Co., at Portland, OR, under continuing contract(s) with Montgomery Ward and Co. (Hearing site: San Francisco, CA, or Portland, OR.)

MC 147519 (Sub-2F), filed December 17, 1979. Applicant: WILLIAM O. SAXTON, d.b.a. W. O. SAXTON TRUCKING, 6632 East Parlier, Fowler, CA 93625. Representative: Edward L. Fanucchi, 2409 Merced St., Ste. 3, Fresno, CA 93721. *Contract carrier,* transporting foodstuffs, in *vehicles equipped with mechanical refrigeration,* from the facilities of Anderson Clayton and Company, at or near Fresno, CA, to points in OR, WA, and NV, under continuing contract(s) with Anderson Clayton and Company. (Hearing site: Fresno, Sacramento, or San Francisco, CA.)

MC 147849 (Sub-2F), filed December 14, 1979. Applicant: F. W. & L. CO., INC., P.O. Box 4570, Nashville, TN 37216. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219. *Contract carrier,* transporting (1) *steel wire products,* from Nashville, TN, to points in CA, and to those points in the United States in and east of WI, IL, MO, OK and TX, (2) *steel wire,* from Atlanta, GA, and Kokomo, IN, to Nashville, TN, and (3) *steel wire products,* from Chicago, IL, Knoxville and Nashville, TN, and Denver, PA to points in FL, under continuing contract(s) in (1), (2) and (3) with Feldkircher Wire Fabricating Co., Inc., of Nashville, TN. (Hearing site: Nashville, TN.)

MC 147948 (Sub-7F), filed November 30, 1979. Applicant: A. J. ROSS ENTERPRISES, INC., 225 Smith Street, Keasbey, NJ 08832. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Transporting *structural steel,* from the facilities of Standard Erecting Company, Inc., at Newington, CT, to points in NY, MA, NJ, and RI. (Hearing site: New York, NY.)

MC 147949 (Sub-3F), filed December 18, 1979. Applicant: ROEDER CARTAGE CO., INC., 175 Mumaugh Road, Lima, OH 45804. Representative: Richard H. Brandon, Post Office Box 97, 220 West Bridge Street, Dublin, OH 43017. *Contract carrier,* transporting *liquid fertilizer solutions, nitric acid and anhydrous ammonia,* in bulk, in tank vehicles, between points in Allen County, OH, on the hand, and, on the other, point in IN, MI and KY, under continuing contract(s) with Vistron Corporation, Cleveland, OH. (Hearing site: Columbus, OH.)

MC 148188 (Sub-11F), filed December 18, 1979. Applicant: RETAIL LEASING CORPORATION, d.b.a. RETAIL TRANSPORTATION COMPANY, 11301 Rockville Pike, Kensington, MD 20795. Representative: Edward F. Schiff, 1333 New Hampshire Ave., N.W., Washington, DC 20036. *Contract carrier,* transporting *such commodities* as are dealt in, or used, by retail department stores (except commodities in bulk, in tank vehicles), from Los Angeles, CA, to Columbus, OH, under continuing contract(s) with Federated Department Stores, Inc. and Lazarus Department Stores. (Hearing site: Washington, DC.)

MC 148349 (Sub-2F), filed November 28, 1979. Applicant: AGRI–PECK, INC., Garneill, MT 59445. Representative: Harry B. Peck (same address as applicant). Transporting *dry animal and poultry feed and dry animal and poultry feed ingredients,* (1) from Great Fall and Billings, MT, to Deeth, Montello, Wells and Elko, NV; and (2) from Twin Falls, Burley and Pocatello, ID Moses Lake, Wallula, Sunnyside, Spokane, Tacoma, Seattle and Blaine, WA, and Portland, OR to points in MT. (Hearing site: Billings or Great Falls, MT.)

MC 148439 (Sub-2F), filed December 19, 1979. Applicant: CONDON TRANSPORT, INC., 126 E. Jackson Street, Ripon, WI 54971. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956. *Contract carrier,* transporting *such commodities* as are dealt in by automotive supply stores, (1) from Ripon, WI, to points in NM and the upper peninsula of MI, and (2) from Chicago, IL, Columbus, OH, Fort Wayne, IN, Minneapolis, MN, Manchester, IA, Miami OK, Oaks, PA and Tuscaloosa, AL, to points in MN, WI, and the upper peninsula of MI, under continuing contract(s) with Payless Tire Stores, Inc., of Ripon, WI. (Hearing site: Milwaukee, WI.)

MC 148788 (Sub-2F), filed December 18, 1979. Applicant: ROBERT J. FUTCH, d.b.a. BAMBI'S, 206 Clifton Drive, Port Wentworth, GA 31407. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. *Contract carrier* transporting (1) *lumber,* from Port Wentworth, GA, to Greenville, SC, and (2) *molding and materials, supplies and equipment* used in the manufacture of molding, from Greenville, SC, to points in GA, under continuing contract(s) with Lawton Lumber Company, Inc. (Hearing site: Jacksonville, FL or Atlanta, GA.)

MC 148819 (Sub-2F), filed December 10, 1979. Applicant: G & J TRUCKING, INC., 3701 Spralding Ave., P.O. Box 4201, Fort Smith, AR 72914. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood, Fort Smith, AR 72902. *Contract carrier,* transporting (1) *plastic articles and paper products,* from Fort Smith, AR, to Broussard, Church Point, Alexandria, Baton Rouge and New Orleans, LA; and (2) *sugar,* in bags and packages, from Mathews, LA, to points in AR, under continuing contract(s) in part (1) with American Can Company-Dixie Products, of Fort Smith, AR, and in part (2) with The South Coast Corporation, of Houma, LA.

MC 148849 (Sub-2F), filed December 21, 1979. Applicant: EQUITABLE BAG CO., INC., 45–50 Van Dam Street, Long Island City, NY 11101. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ. *Contract carrier* transporting *such commodities* as are dealt in, or used, by department stores (except commodities in bulk), between Secaucus and North Bergen, NJ, and Florence, KY, and points in Queens County, NY, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Mercantile Stores Co., Inc. (Hearing site: New York, NY or Washington, DC.)

MC 148859 (Sub-2F), filed December 6, 1979. Applicant: MID–STATE TRADING CO., 2525 Trenton Ave., Williamsport, PA 17701. Representative: John E. Fullerton, 407 N. Front St., Harrisburg, PA 17101. *Contract carrier* transporting *scrap metals,* between the facilities of (a) Simon Eastern Corp., in Ontelaunee Township, (Berks County) PA, and (b) Simon Wrecking Co. and Eastern Scrap Baling Co., at Williamsport, PA, on the one hand, and, on the other, points in DE, MD, MI, NJ, NY and OH, under continuing contract(s) with Simon Eastern Corp., Simon Wrecking Co., and Eastern Scrap Baling Co. (Hearing site: Washington, DC.)

MC 148938 (Sub-1F), filed December 20, 1979. Applicant: H. YORK d.b.a. RELIABLE PRODUCT TRANSPORT, 119 Maresco Drive. N.E., Dalton, GA 30720. Representative: M. C. Ellis, care of Chattanooga Freight Bureau, Inc., 1001 Market Street, Chattanooga, TN 37402. *Contract carrier,* transporting *such commodities* as are dealt in or used by manufacturers of floor coverings (except commodities in bulk, in tank vehicles); (a) between the facilities of Carpet Shipper's Association, Inc., at or near Dalton, GA, on the one hand, and, on the other, points in IL, IN, MI and OH, and points in Bartow, Catoosa, Chatooga, Dade, Floyd, Gilmer, Gordon, Murray, Walker, and Whitfield Counties, GA, under continuing contract(s) with Carpet Shipper's Association, Inc., of Dalton, GA. (Hearing site: Atlanta, GA.)

MC 148958F, filed December 4, 1979. Applicant: EVVCO TRANSPORTATION, INC., Route 22, Box 535, Lebanon, NJ 08833.

Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. *Contract carrier,* transporting (1) *paper, paper articles, woodpulp, plastic, and plastic products* (except commodities in bulk, in tank vehicles), and *hospital and medical supplies and equipment,* from the facilities of Georgia-Pacific Corporation, at (a) Palatka, FL, (b) Woodland, ME, (c) East Brunswick, NJ, (d) Frankfort, Lyons Falls, Plattsburgh, Thompson, Farmingdale, NY, Utica, Voorheesville, and Warwick, NY, (e) Cincinnati and Norwood, OH, (f) Reading, PA and (g) Gilman, VT, to points in CT, DE, FL, GA, MA, MD, ME, NC, NH, NJ, NY, OH, PA, RI, SC, VT, VA, WV, and DC, and (2) *materials, supplies and equipment* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), in the reverse direction, under continuing contract(s) in (1) and (2) above with Georgia-Pacific Corporation, Hudson Pulp and Paper Croporation, and Beta Health Care Products, Inc. (Hearing site: New York, NY.)

MC 148968F, filed November 29, 1979. Applicant: UNIVERSAL DELIVERIES, INC., 2100 North Southport Ave., Chicago, IL 60614. Representative: Joseph T. Bambrick, Jr., P.O. Box 216, Douglassville, PA 19518. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, those of unusual value, and used household goods as defined by the Commission), between points in Boone, Bureau, Cass, Champaign, Cook, DeWitt, DeKalb, DuPage, Ford, Fulton, Grundy, Henry, Iroquois, Kane, Kankakee, Kendall, Knox, Lake, LaSalle, Lee, Livingston, Logan, Macon, Marshall, McHenry, McLean, Menard, Ogle, Peoria, Piatt, Putnam, Rock Island, Sangamon, Stark, Stephenson, Tazewell, Vermilion, Whiteside, Will, Winnebago, and Woodford Counties, IL, points in Lake, LaPorte, Marshall, Porter, St. Joseph, and Starke Counties, IN and points in Dane, Green Jefferson, Kenosha, Milwaukee, Ozaukee, Racine, Rock, Walworth, Washington, and Waukesha Counties, WI. (Hearing site: Chicago, IL.)

MC 148979 (Sub-1F), filed December 26, 1979. Applicant: ROBERT JOHN ENTERPRIESE, INC., d.b.a. PACIFIC TRANSPORTS CO., 1940 W. Pacific Coast Highway, Long Beach, CA 90810. Representative: Willian J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Contract carrier,* transporting *iron and steel articles,* between points in AZ, CA, and NV, under continuing contract(s) with Crest Steel Corporation and Marcrest Pacific Co., Inc., both of Wilmington, CA. (Hearing site: Los Angeles, CA.)

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Decided: February 19, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

MC 2017 (Sub-8F), filed December 6, 1979. Applicant: ALTO'S EXPRESS, INC., Cinnaminson Industrial Park, 2301 Garry Rd., P.O. Box 45, Cinnaminson, NJ 08077. Representative: Raymond A. Thistle, Jr., 5 Cottman Ct., Homestead Rd. and Cottman St., Jenkintown, PA 19046. Transporting *foods, food products and ingredients, meat, meat products, animal food, and animal food ingredients,* (except commodities in bulk), between the facilities of Beatrice Foods Co., at Scranton and at or near Allentown, PA, on the one hand, and, on the other, points in CT, DE, MA, MD, ME, MH, NJ NY, OH, PA, RI, VT, VA, WV, and DC, restricted to the transportation of traffic originating at the facilities of Beatrice Foods Co., Scranton and at or near Allentown, PA. (Hearing site: Allentown, PA.)

MC 21866 (Sub-134F), filed December 5, 1979. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Ave., Boyertown, PA 19512. Representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. Transporting *mushrooms,* and *metal cans and can ends,* from the facilities of Giorgio Foods, Inc. and Can Corporation of America in Temple, Berks County, PA, to points in the United States in and east of ND, SD, NE, CO, OK and TX. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 26396 (Sub-319F), filed December 3, 1979. Applicant: THE WAGGONERS TRUCKING, a corporation, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting steel pipe and tubing, from St. Louis and Union MO, and Staunton, IL, to points in the United States (except AK and HI). (Hearing site: St. Louis, MO, or Billings, MT.)

MC 35807 (Sub-107F), filed December 26, 1979. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, P.O. Box 4313, Atlanta, GA 30302. Representative: Steven J. Thatcher, P.O. Box 4313, Atlanta, GA 30302. *Contract carrier* transporting: *coin, currency, sucurities and food stamps,* between Portland, OR, on the one hand, and, on the other, points in ID and WA, under continuing contract(s) with banks and banking institutions. (Hearing site: Portland, OR, or San Francisco, CA.)

MC 41116 (Sub-72F), filed December 20, 1979. Applicant FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, LA 70526. Representative: Austin L. Hatchell, P.O. Box 2165, Austin, TX 78768. Contract carrier, transporting (1) *containers, container closures and components, glassware and packaging products,* (2) *scrap materials,* and (3) *materials equipment, and supplies* used in the manufacture, sale and distribution of the commodities in (1) above, (except commodities in bulk, and those requiring special equipment), between points in AL, AR, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, OH, OK, TN, TX, and WI, under continuing contract(s) with Owens-Illinois, Inc. (Hearing site: New Orleans or Baton Rouge, LA.)

MC 41406 (Sub-145F), filed June 6, 1979, and previously noticed in the **Federal Register** issue of January 10, 1980. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 8400 Westlake Drive, Merrillville, IN 46410. Representative: Wade H. Bourdon (same address as applicant). Transporting (1)(a) *iron and steel wood burning stoves,* and (b) *agricultural implements,* from the plantsites of Dunham Lehr, Inc., and All Nighter Stove Works West, Inc., at Richmond, IN, to points in the United States (except AK and HI), and (2) *materials, equipment and supplies,* used in the manufacture of the commodities named in (1) above, in the reverse direction. (Hearing site: Indianapolis, IN, or Chicago, IL.)

Note.—This republication is to correctly reflect the origin description in part (1).

MC 41706 (Sub-23F), filed December 5, 1979. Applicant: TOSE, INC., 424 West 4th St., Bridgeport, PA 19405. Representative: Anthony C. Vance, 1307 Dolley Madison Blvd., McLean, VA 22101. 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 New Haven, CT, and Seekonk, MA, from New Haven over Interstate Hwy 95 to Providence, RI, then over US Hwy 44 to Seekonk, and return over the same route, serving all intermediate points, and serving the off-route points of Pawcatuck, Niantic, Mystic, CT, and Woonsocket, RI; (2) between junction Interstate Hwy 95 and CT Hwy 52, at or near East Lyme, CT, and Auburn, MA, from junction Interstate Hwy 95 and CT Hwy 52, over CT Hwy 52 to junction MA Hwy 193, then over MA Hwy 193 to junction MA Hwy 12, then over MA Hwy 12, to Auburn, MA, and return over the same

route, serving all intermediate points, and the off-route points of Woodstock and Putnam, CT; (3) between Putnam, CT, and Providence, RI, over US Hwy 44, serving all intermediate points; (4) between Danielson, CT, and Providence, RI, over US Hwy 6, serving all intermediate points; (5) between Pottstown, PA, and junction NY Hwy 52 and US Hwy 209, from Pottstown, PA, over PA Hwy 100 to junction PA Route 9, then over PA Route 9 to junction US Hwy 6, then over US Hwy 6 to junction US Hwy 209, then over US Hwy 209, to junction NY Hwy 52, and return over the same route, serving all intermediate points. (Hearing site: Washington, DC or Philadelphia, PA.)

MC 42487 (Sub-965F), filed December 4, 1979. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. Transporting *general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment),* serving the facilities of Wellington Puritan Mills, Inc., at or near Eatonton, GA, as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing site: Atlanta, GA.)

Note.—Applicant intends to tack to its existing authority and any authority it may acquire in the future.

MC 42487 (Sub-966F), filed December 6, 1979. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. Transporting *general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment),* serving the facilities of Fieldcrest Mills and Karastan, Division of Fieldcrest Mills, at or near Eden, NC, as an off-route point in connection with carrier's presently authorized regular route operations. (Hearing site: Raleigh or Charlotte, NC.)

Note.—Applicant intends to tack to its existing authority and any authority it may acquire in the future.

MC 51146 (Sub-792F), filed December 3, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Neil A. DuJardin (same address as applicant). Transporting (1) *such commodities as are dealt in, or used by, manufacturers and distributors of corn products* and (2) *equipment, materials, and supplies* used in the manufacture and distribution of the commodities named in (1) above between Iowa on the one hand, and, on the other, points in the United States (except AK and HI), restricted in (1) and (2) above against the transportation of commodities in bulk. (Hearing site: Chicago, IL.)

MC 51146 (Sub-793F), filed December 13, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid, Jr. (same address as applicant). Contract carrier, transporting *such commodities as are dealt in, or used by, manufacturers and distributors of agricultural, industrial, and construction machinery and equipment, outdoor power equipment, and motor vehicles,* between points in the U.S. (except AK, HI, AZ, CA, CO, ID, MT, NV, NM, OR, WA, WY, and UT), under continuing contract(s) with International Harvester Company. (Hearing site: Chicago, IL.)

MC 52437 (Sub-11F), filed December 4, 1979. Applicant: SHIPPERS SERVICE EXPRESS, INC., 7200 Fly Road, P.O. Box 207, East Syracuse, NY 13057. Representative: Herbert M. Canter, 305 Montgomery Street, Syracuse, NY 13202. Transporting *such merchandise as is dealt in by retail, wholesale and chain grocery and food business houses* (except frozen foodstuffs and commodities in bulk), from Syracuse, NY, to points in CT, MA, ME, NH, RI and VT. (Hearing site: Syracuse, NY, or Washington, DC.)

MC 59806 (Sub-11F), filed April 19, 1979, and previously noticed in the FR issue of October 16, 1979. Applicant: GROSS & HECHT TRUCKING, INC., 35 Brunswick Avenue, Edison, NJ 08817. Representative: A. David Millner, 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. *Contract carrier,* transporting (1) *such commodities* as are dealt in or used by (a) grocery, food, drug, and liquor business houses, and (b) department stores, and (2) *materials, supplies, and equipment* used in the manufacture, sale, and distribution of the commodities in (1) above (except commodities in bulk), between points in the United States (except AK and HI), under continuing contract(s) with The Great Atlantic & Pacific Tea Company, Inc., of Montvale, NJ, Compass Foods, Inc., of Montvale, NJ, and Super Market Service Corp., of Dunmore, PA, and Plus Discount Foods, Inc., of Montvale, NJ. (Hearing site: New York, NY.)

Note.—This republication is to include a supporting shipper which was omitted.

MC 59806 (Sub-17F), filed December 13, 1979. Applicant: GROSS & HECHT TRUCKING, INC., 35 Brunswick Ave., Edison, NJ 08817. Representative: Michael R. Werner, 167 Fairfield Rd., P.O. Box 1409, Fairfield, NJ 07006. Contract carrier, transporting *such commodities as are dealt in or used by drug, variety or food business houses* (except commodities in bulk), between Baltimore, MD, on the one hand, and, on the other, points in CT, DE and NJ, and points in NY and PA on and east of U.S. Hwy 15, under continuing contract(s) with Lever Brothers Company, of New York, NY. (Hearing site: New York, NY.)

MC 61396 (Sub-380F), filed December 4, 1979. Applicant: HERMAN BROS., INC., 2565 St. Marys Ave., P.O. Box 189, Omaha, NE 68101. Representative: Duane L. Stromer (same address as applicant). Transporting *flour,* from Omaha, NE, to LaPorte, IN. (Hearing site: Omaha, NE, or Chicago, IL.)

MC 63417 (Sub-261F), filed December 6, 1979. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same address as applicant). Transporting *boots and shoes,* (1) from points in CA, GA, NJ, NY, SC, TX, and WA, to Gallatin, TN, and (2) from points in NY and NJ, to Nashville, TN. (Hearing site: Washington, DC.)

MC 78687 (Sub-94F), filed December 3, 1979. Applicant: LOTT MOTOR LINES, INC., West Cayuga St., P.O. Box 751, Moravia, NY 13118. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St., N.W., Washington, DC 20001. Transporting (1) *such commodities* as are dealt in or used by wholesale, retail, and chain grocery and food business houses, and (2) *materials, equipment and supplies* used in the manufacture, processing or distribution of commodities named in (1) above, between Biglerville and Gardeners, PA, and Inwood, WV, on the one hand, and, on the other, points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Washington, DC.)

MC 78687 (Sub-96F), filed December 6, 1979. Applicant: LOTT MOTOR LINES, INC., West Cayuga St., P.O. Box 751, Moravia, NY 13118. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St., N.W., Washington, DC 20001. Transporting (1) *foodstuffs,* and (2) *materials, equipment and supplies* used in the distribution or manufacture of foodstuffs (except commodities in bulk), between the facilities of American Home Foods, Division of American Home Products Corporation, at or near Milton, PA, on

the one hand, and, on the other, points in DE, MD, NY, VA and DC. (Hearing site: New York, NY.)

MC 78786 (Sub-278F), filed December 4, 1979. Applicant: PACIFIC MOTOR TRUCKING COMPANY, A corporation, 1766 El Camino Real, P.O. Box 990, Burlingame, CA 94010. Representative: Lloyd M. Roach, 7600 South Central Expressway, P.O. Box 226187, Dallas, TX 75266. 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 Portland, OR and Seattle, WA, over interstate Hwy 5, serving the intermediate points of Olympia and Tacoma, WA: (Hearing site: San Francisco, CA, or Portland, OR.)

Note.—Dual operations may be involved.

MC 89617 (Sub-23F), filed December 5, 1979. Applicant: LEWIS TRUCK LINES, INC., P.O. Box 1494, Conway, SC 29526. Representative: Herbert A. Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Transporting *hardboard,* from Marion, SC, to points in AL, GA, NC, TN, VA, and WV. (Hearing site: Charleston, SC, or Tampa, FL.)

MC 100666 (Sub-509F), filed December 4, 1979. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *glass and glass products,* from the facilities of Libbey-Owens-Ford Co., at or near Toledo, OH, to points in the United States (except AK and HI). (Hearing site: Columbus, OH.)

MC 100666 (Sub-510F), filed December 4, 1979. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *glass and glass products,* from the facilities of LOF Glass, Inc., at or near Laurinburg, NC, to points in the United States (except AK and HI). (Hearing site: Columbus, OH.)

MC 102546 (Sub-3F), filed October 29, 1979. Applicant: BLUE FLASH EXPRESS INCORPORATED, Route 1, Box 233, Zachary, LA 70791. Representative: L. F. Aguillard (same address as applicant). Contract carrier, transporting *chemicals,* in bulk, between points in LA, MS, AL, GA, SC, NC, TN, AR, KS, OK, and TX, under continuing contract(s) with Kaiser Aluminum & Chemical Corporation, of Oakland, CA, and ICI Americas Incorporated, of Wilmington, DE. (Hearing site: Baton Rouge or New Orleans, LA.)

MC 102616 (Sub-1023F), filed December 6, 1979. Applicant: COASTAL TANK LINES, INC., 250 North Cleveland-Massillon Rd., Akron, OH 44313. Representative: David F. McAllister (same address as applicant). Transporting *petroleum and petroleum products,* in bulk, in tank vehicles, from Niles, OH, to points in Clarion County, PA. (Hearing site: Cleveland or Columbus, OH.)

MC 107107 (Sub—479F), filed December 3, 1979. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 N. W. 42nd Ave., Opa Locka, FL 33054. Representative: Sidney Alterman (same address as applicant). Transporting *such commodities as are dealt in by wholesale or retail department and discount stores* (except commodities in bulk), from points in AL, FL, GA, LA, MS, NC, SC, and TN, to Omaha, NE. Hearing site: Omaha, NE, Washington, DC.)

MC 111496 (Sub-30F), filed December 6, 1979. Applicant: TWIN CITY FREIGHT, INC., 2550 Long Lake Rd., Roseville, MN 55113. Representative: Alan Foss, 502 First National Bank Bldg., Fargo, ND 58126. 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 Animal Fair, Inc., at or near Eden Valley, MN, as an off-route point in connection with carrier's regular route operations between St. Paul-Minneapolis, MN, and Fargo, ND (Hearing site: Minneapolis, MN.)

MC 111856 (Sub-11F), filed December 4, 1979. Applicant: CHOCTAW TRANSPORT, INC., 800 Bay Bridge Rd., Prichard, AL 36610. Representative: George M. Boles, 727 Frank Nelson Bldg., Birmingham, AL 35203. Over *regular routes,* transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between (a) from Ft. Walton Beach, FL over U.S. Hwy 98 to junction U.S. Hwy 90 at or near Pensacola, FL, then over U.S. Hwy 90 to junction U.S. Hwy 43 at or near Mobile, AL, then over U.S. Hwy 43 to Prichard, AL, and return over the same routes, serving Mobile, AL, and all intermediate points in FL, and (b) from Ft. Walton Beach, FL over U.S. Hwy 98 to junction U.S. Hwy 29, then over U.S. Hwy 29 to junction Interstate Hwy 10, then over Interstate Hwy 10 to junction U.S. Hwy 43 at or near Mobile, AL, then over U.S. Hwy 43 to Prichard, AL, and return over the same route, serving Mobile, AL, and all intermediate points in FL, serving Century and Cantonment, FL, as off-route points in conjunction with (a) and (b) above., (Hearing site: Birmingham or Mobile, AL.)

MC 115036 (Sub-28F), filed December 5, 1979. Applicant: VAN TASSEL, INC., 5th and Grand, Pittsburg, KS 66762. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Contract carrier, transporting (1) *clay, clay products, urethane, and urethane products, and (2) materials, equipment and supplies* used in the manufacture, packaging, installation, transportation, and distribution of the commodities in (1) above, between the facilities of W. S. Dickey Clay Manufacturing Company, Inc., at or near Bessemer, AL, Piney Point, FL, Lehigh, IA, Meridian, MS, and Saspamco and Texarkana, TX, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with W. S. Dickey Clay Manufacturing Company, Inc, of Pittsburg, KS. Dual operations may be involved. (Hearing site: Kansas City, MO.)

MC 115826 (Sub-566F), filed December 4, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting *alcoholic beverages* (except in bulk), from points in KY and OH, to points in CO. (Hearing site: Denver, CO.)

MC 115826 (Sub-567F), filed December 4, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting (1) *such commodities as are dealt in by manufacturers of power tools,* and (2) *materials, equipment, and supplies* used in the conduct of such business, (except commodities in bulk), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Black and Decker (U.S.) Inc., The McCullock Corporation, and Black and Decker, Ltd. (Hearing site: Denver, CO.)

MC 117786 (Sub-80F), 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. Transporting *malt beverages and related advertising materials* from points in Jefferson County, CO to points in AZ and TX, and *materials and supplies* used in and dealt with by

breweries from points in AZ and TX to points in Jefferson County, CO. (Hearing site: Phoenix, AZ.)

MC 118776 (Sub-45F), filed December 6, 1979. Applicant: GULLY TRANSPORTATION, INC., 3820 Wisman Lane, Quincy, IL 62301. Representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Ave., Kansas City, MO 64105. Transporting *printing paper* (except newsprint), from Burlington, IA, to Little Rock, AR; Memphis, TN; and Gulfport, MS. (Hearing site: St. Louis, MO, or Chicago, IL.)

MC 119787 (Sub-10F), filed December 4, 1979. Applicant: F. W. GROVES TRUCKING COMPANY, a corporation, Route #4, Box 89, Leland, NC 28451. Representative: Ralph McDonald, P.O. Box 2246, Raleigh, NC 27602. Transporting *such commodities*, the transportation of which because of size or weight requires the use of special equipment, (1) between those points in NC on and east of Interstate Hwy 95, on the one hand, and, on the other, points in AL, AZ, CO, CT, DE, FL, GA, IL, IN, KY, LA, ME, MD, MA, MI, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WV, and WI, (2) from the facilities of Carolina Steel Corporation, at Greensboro and Colfax, NC, Salem Steel, at Winston-Salem, NC, Mecklenburg Iron & Steel, at Charlotte, NC, and Hickory Iron & Steel, at Hickory, NC, to points in GA, SC, and VA, and (3) from the facilities of Greenville Iron & Steel, at Greenville, SC, to points in GA, NC, and VA. (Hearing site: Wilmington, NC.)

MC 119837 (Sub-16F), filed December 13, 1979. Applicant: OZARK MOTOR LINES, INC., 27 W. Illinois, Memphis, TN 38106. Representative: Thomas A. Stroud, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. *Transporting general commodities* (except articles of unusual value, commodities and bulk, classes A and B explosives household goods as defined by the Commission, and those which require special equipment), serving the facilities of Nubbin Ridge Charcoal, at or near Lanton, MO as an off route point in connection with carrier's authorized regular routes operations. (Hearing site: West Plains, MO, or Memphis, TN.)

MC 123407 (Sub-627F), filed December 4, 1979. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). Transporting *ceiling fans, exhaust fans, electric heaters, and electric motors*, from Bennettsville, SC, to points in TX, AR, FL, and CA. (Hearing site: Washington, DC.)

MC 124887 (Sub-108F), filed December 3, 1979. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, FL 32421. Representative: Sol H. Proctor, 1101, Blackstone Bldg., Jacksonville, FL 32202. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting, (1) *general commodities* (except those of unusual value, classes A and B explosives, commodities requiring special equipment, household goods as defined by the Commission, and motor vehicles), in containers or trailers, having and immediate prior or subsequent movement by rail or water carrier; and (2) *empty containers and trailer chassis*, between Panama City, FL, on the one hand, and on the other, points in AL, AK, FL, GA, LA, MS, TN and SC. (Hearing site: Jacksonville or Tallahassee, FL.)

MC 125996 (Sub-89F), filed December 6, 1979. Applicant: GOLDEN TRANSPORTATION, INC., P.O. Box 26908, Salt Lake City, UT 84125. Representative: Mac R. Reber (same address as applicant). Transporting *frozen potato products*, from Connell, Quincy, and Richland, WA, Hermiston and Weston, OR, and American Falls, ID, to points in IA and Rock Island County, IL, restricted to the transportation of traffic originating at the named origins and destined to the facilities of Benolken Brokerage Co., and Unifoods, at the indicated destinations. (Hearing site: Chicago, IL.)

Note.—Dual operations may be involved.

MC 126276 (Sub-211F), filed December 9, 1979. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, IL 60513. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Contract carrier, transporting *such commodities as are dealt in or used by manufacturers and distributors of containers and container closures*, (except commodities in bulk or those which, because of size or weight, require the use of special equipment), between points in the United States (except AK and HI), under continuing contract(s) with The Continental Group, Inc. (Hearing site: Chicago, IL.)

MC 127047 (Sub-41F), filed December 6, 1979. Applicant: ED RACETTE & SON, INC., 6021 North Broadway, Wichita, KS 67219. Representative: William B. Barker, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601. Transporting *industrial conveyor systems, and components* from the facilities of Uniflo Conveyor, Wichita, KS, to points in the United States (except AK and HI). (Hearing site: Wichita, KS.)

MC 133327 (Sub-4F), filed December 6, 1979. Applicant: MELBURN TRUCK LINES (TORONTO) CO. LTD., Toronto, Ontario, Canada M8Z 5P7. Representative: John W. Frame, Box 626, 2207 Old Gettysburg Rd., Camp Hill, PA 17011. Transporting, in foreign commerce only, (1) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and motor vehicles), and (2) *empty containers or trailers*, having an immediately prior or subsequent movement by water and air, between points in the United States, on the one hand, and, on the other, ports of entry on the international boundary line between the United States and Canada. (Hearing site: Washington, DC.)

MC 133566 (Sub-151F), filed December 5, 1979. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, IN 46947. Representative: Thomas J. Beener, 1 State St., Plaza, New York, NY 10004. Transporting *chemicals, acids, solvents, coatings, paints, compounds, solutions, powders and salt*, and *materials, equipment, and supplies* used in the manufacture, distribution and sale of such commodities (except in bulk, in tank vehicles), between the facilities of Shipley Co., Inc., at Newton, Westwood, Salem, and Marlboro, MA, Chicago, IL, the international boundary line between the United States and Canada at the Niagara River (Toronto, Ontario, Canada), Richmond, VA, Fort Lauderdale, FL, Bloomington, MN, Dallas, TX, Irvine and Berkeley, CA, and Portland, OR. (Hearing site: Boston, MA, or New York, NY.)

MC 134477 (Sub-394F), filed December 5, 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. Transporting (1) *such commodities dealt in by retail and wholesale automotive supply houses* (except commodities in bulk), and (2) *equipment, materials, and supplies* used in the manufacture of commodities in (1) above (except commodities in bulk), between the facilities of Amsoil, Inc., at or near Superior, WI, and points in CO, KS, MA, OH, PA, SD, and TX. (Hearing site: St. Paul, MN.)

MC 135797 (Sub-293F), filed December 3, 1979. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant (same address as applicant.) Transporting (1)(a) *air conditioning equipment, furnaces, and stoves*, and (b)

parts and accessories for the commodities in (a) above, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) (a) and (b) above, between the facilities of Carrier Corporation, at/or near (i) Los Angeles, CA and (ii) Indianapolis, IN, on the one hand, and, on the other, points in the United States (except AK and HI), restricted in (1) (a) and (b), and (2) above against the transportation of commodities in bulk, and those which by reason of size or weight require the use of special equipment. (Hearing site: Syracuse, NY, or Washington, DC.)

MC 136786 (Sub-191F), filed December 3, 1979. Applicant: ROBCO TRANSPORTATION, INC., 4333 Park Ave., Des Moines, IA 50321. Representative: Stanley C. Olsen, Jr., 7400 Metro Blvd., Suite 411, Edina, MN 55435. Transporting *carpet, carpet padding, and plastic articles,* from (1) City of Commerce and Pico Rivera, CA, to points in AR, CA, CO, ID, MT, NV, NM, OR, TX, UT, WA & WI and Elk Grove Village, IL; (2) from Haverhill, MA, to points in NY, PA, and OH; (3) from Dallas, TX, to points in CO, KS, NE, NM, ND, OK and SD, and (4) from Fort Wayne, IN, to points in CO, IL, IA, KS, MN, MO, NE, ND, OK, SD, and WI. (Hearing site: Minneapolis, MN.)

MC 138297 (Sub-10F), filed December 6, 1979. Applicant: CENTRAL FLORIDA COACH LINES, INC., P.O. Box 127, Mountaintop, PA 18708. Representative: Joseph F. Hoary, 121 South Main St., Taylor, PA 18517. Transporting *passengers and their baggage,* in the same vehicle with passengers, in special and charter operations, beginning and ending at points in Lackawanna, Luzerne, Columbia and Wyoming Counties, PA, and extending to points in NY, NJ, MA, CT, RI, MD, TN, VA, FL, VT, ME, NH, and DC. (Hearing site: Wilkes Barre, PA.)

MC 139906 (Sub-85F), filed December 3, 1979. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, 2156 West 2200 South, P.O. Box 30303, Salt Lake City, UT 84125. Representative: Richard A. Peterson, 521 South 14th St., P.O. Box 81849, Lincoln, NE 68501. Transporting *bread crumbs,* from Vernon, CA, to points in the United States (except AK, CA, and HI). (Hearing site: Salt Lake City, UT, or Lincoln, NE.)

Note.—Dual operations may be involved.

MC 143636 (Sub-6F), filed December 5, 1979. Applicant: RON SMITH TRUCKING, INC., R.R. #2, Box 4, Newman, IL 61942. Representative: Douglas G. Brown, The INB Center, Suite 555, 1 North Old State Capitol Plaza, Springfield, IL 62701. Transporting *dry fertilizer,* from points in Vigo County, IN, to points in IL and WI. (Hearing site: St. Louis, MO.)

MC 144136 (Sub-5F), filed December 4, 1979. Applicant: STOVER LINES, INC., 5636 NW 17th St., Topeka, KS 66618. Representative: Clyde N. Christey, Ks. Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. Transporting *feed ingredients,* from Kansas City and St. Joseph, MO, to Topeka, KS. (Hearing site: Kansas City, MO.)

MC 144227 (Sub-6F), filed December 6, 1979. Applicant: CARMIL, INC., P.O. Box 225, Hershey, NE 69143. Representative: Lavern R. Holdeman, 521 South 14th St., Suite 500, P.O. Box 81849, Lincoln, NE 68501. Transporting *feed and feed ingredients* (except liquid commodities in bulk), (a) from Des Moines, Ft. Dodge and Sioux City, IA, to points in CO, KS, MO, and NE; (b) from Fremont and Lincoln, NE, to points in KS, and MO, and (c) from Sergeant Bluff, IA, to points in KS, MO and that part of NE east of U.S. Hwy 183, restricted to the transportation of traffic originating at or destined to the named origins and destinations. (Hearing site: North Platte, NE.)

MC 144227 (Sub-7F), filed December 6, 1979. Applicant: CARMIL, INC., P.O. Box 225, Hershey, NE 69143. Representative: Lavern R. Holdeman, 521 South 14th St., Suite 500, P.O. Box 81849, Lincoln, NE 68501. Transporting *meat by-products and meat and bone meal,* in bulk in grain or hopper trailers, between points in the States of CO, IA, KS, MN, MO, NE, ND, and SD, restricted to the transportation of traffic originating at or destined to the named origins and destinations. (Hearing site: North Platte, NE.)

MC 144587 (Sub-2F), filed December 4, 1979. Applicant: DON E. KEITH, 2990 Pierce Rd., Bakersfield, CA 93308. Representative: Don E. Keith (same address as applicant). Transporting *asphalt, asphalt emulsion and road oil,* in bulk in tank vehicles, from Bakersfield, CA, to points in NV. (Hearing site: Bakersfield, CA.)

MC 144626 (Sub-3F), filed May 29, 1979, previously published in the **Federal Register** issue of January 17, and republished this issue. Applicant: TRANS NATIONAL EXPRESS, INC., 520 Otter Hole Road, West Milford, NJ 07480. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *defoaming compounds* (except in bulk), from Newark, NJ, and Marietta, GA, to points in the United States. (Hearing site: New York, NY, or Washington, DC.)

Note.—The purpose of the republication is to correct the territorial description.

MC 144907 (Sub-3F), filed December 4, 1979. Applicant: WILSON'S MILK HAULING, INC., 4971 Pleasant Avenue, Hamilton, OH 45014. Representative: James R. Stiverson, 1396 West Fifth Avenue, Columbus, OH 43212. Transporting *salt,* in packages, from Cincinnati, OH, to points in IN and KY. (Hearing site: Cincinnati, OH, or Washington, DC.)

MC 145997 (Sub-22F), filed December 4, 1979. Applicant: JEM EQUIPMENT, INC., P.O. Box 396, Alma, AR 72921. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701. Transporting *frozen foods,* from the facilities of Del Mar Frozen Foods, Inc., at or near Watsonville, CA, to points in the United States (except AK, CA, and HI). (Hearing site: Monterey, CA, or Ft. Smith, AR.)

MC 146646 (Sub-66F), filed December 7, 1979. Applicant: BRISTOW TRUCKING CO., a corporation, P.O. Box 6355 A, Birmingham, AL 35217. Representative: Mr. Henry Bristow, Jr. (same address as applicant). Transporting *corn flour and corn meal* (except in bulk) from the facilities of J. R. Short Milling Company, at or near Mt. Vernon, IN, and Kankakee, IL to points in GA, LA, and TX. Condition: Person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. 11343(A) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Chicago, IL, or Birmingham, AL.)

MC 146807 (Sub-14), filed December 7, 1979. Applicant: S & W ENTERPRISES, INC., 1 Passan Dr., Wilkes Barre, PA 18702. Representative: Joseph F. Hoary, 121 South Main St., Taylor, PA 18517. Transporting *wire,* from Hanover Township and Kingston, PA, to Atlanta, GA, Denver, CO, Houston and Odessa, TX, New Orleans, LA, and Tulsa, OK. (Hearing site: Wilkes Barre, PA.)

MC 147347 (Sub-3F), filed December 3, 1979. Applicant: MICHAEL'S CARTAGE, INC. Route #3, Cumberland, MD 21502. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. Transporting: (1) *glass,* from the facilities of PPG Industries, Inc., at or near Cumberland, MD, to Philadelphia, PA, and Baltimore MD; and (2) *empty containers,* from Philadelphia, PA, and Baltimore, MD, to the facilities of PPG Industries, Inc. at or near Cumberland, MD. (Hearing site: Pittsburgh, PA.)

MC 147777 (Sub-2F), filed December 2, 1979. Applicant: SPRINGFIELD

SCHOOL BUS CO., INC., d.b.a. TRAVEL TIME, 99 Arnold St., Springfield, MA 01119. Representative: Charles A. Webb, 1800 M St., N.W., Suite 800 So., Washington, DC 20036. Transporting *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, between Stafford Springs, CT, and Storrs, CT, serving all intermediate points: (1) from Stafford Springs over CT Hwy 32 to Eagleville, CT, then over CT Hwy 275 to junction CT Hwy 195, then over Hwy 195 to Storrs and return over the same route, and (2) from Stafford Springs, over CT Hwy 32 to junction CT Hwy 195 near Merrow, CT, then over CT Hwy 195 to junction CT Hwy 275, and return over the same route. (Hearing site: Springfield, MA or Hartford, CT.)

MC 149056F, filed December 7, 1979. Applicant: HOLIDAY SYSTEMS, LTD., 1605 Tartan Way, Louisville, KY 40205. Representative: J. Smiley Collins (same address as applicant). Transporting *passengers and their baggage,* in the same vehicle with passengers, in special and charter operations, beginning and ending at points in AR, GA, AL, DC, FL, HI, IL, IN, KY, LA, MI, MO, MS, NC, OH, OK, PA, SC, TN, TX, VA, and WV, and extending to points in the United States, including AK, but excluding HI. (Hearing site: Louisville, KY.)

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Decided: March 7, 1980.
By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

FF 517, filed July 27, 1979. Applicant: MIDDLE ATLANTIC FREIGHTWAYS, INC., 925 Market St., Paterson, NJ 07509. Representative: John L Alfano, 550 Mamaroneck Ave., Harrison, NY 10528. To operate in interstate commerce, as a *freight forwarder* of general commodities (except classes A and B explosives, commodities in bulk, unaccompanied baggage, used automobiles, and household goods as defined by the Commission), between points in DE, MD, NJ, NY, PA, VA, and DC. (Hearing site: New York, NY.)

MC 76 (Sub-17F), filed September 19, 1979. Applicant: MAWSON & MAWSON, INC., P.O. Box 248, Langhorne, PA 19047. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. Transporting (1) *iron and steel articles,* from the facilities of Commerical Shearing, Inc., at or near Youngstown, OH, to points in PA, NY, NJ, MD, DE, VA, CT, MA, and RI; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), in the reverse direction. (Hearing site: Washington, DC.)

MC 11207 (Sub-519F), filed January 2, 1980. Applicant: DEATON, INC., 317 Ave. W., P.O. Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Transporting *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 Sumiton, AL, on the one hand, and, on the other, points in AL, AR, FL, GA, KY, LA, MS, NC, SC, TN, and TX. (Hearing site: Birmingham, AL.)

MC 19227 (Sub-250F), filed December 31, 1979. Applicant: LEONARD BROS. TRUCKING CO., INC., 2515 NW. 20th St., P.O. Box 523610, Miami, FL 33152. Representative: Robert F. McCaughey (same address as applicant). Transporting (1) *lift trucks, and parts* and (2) *platforms, hydraulic working lifts, and parts,* from Sonoma County, CA to points in the United States (except AK and HI). (Hearing site: San Francisco, CA.)

MC 26396 (Sub-322F), filed December 27, 1979. Applicant: THE WAGGONERS TRUCKING, a corporation, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting *fertilizer and raw materials* used in the manufacture of fertilizer, from ports of entry on the international boundary line between the United States and Canada, in MT, to points in ID, NV, OR, UT, and WA. (Hearing site: Billings, MT, or Portland, OR.)

MC 26396 (Sub-323F), filed December 28, 1979. Applicant: THE WAGGONERS TRUCKING, a corporation, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting *starch,* from Keokuk, IA to points in CO, ID, TX, UT and WY. (Hearing site: Des Moines, IA or Billings MT.)

MC 29537 (Sub-9F), filed December 28, 1979. Applicant: R. H. CRAWFORD, INC., 425 Poplar St., Hanover, PA 17331. Representative: J. Bruce Walter, P.O Box 1146, Harrisburg, PA 17108. Transporting *foodstuffs* and *materials, equipment and supplies* used or useful in the production, storage or distribution of foodstuffs, between the facilities of Hanover Brands Inc. 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. (Hearing site: Harrisburg, PA or Washington, DC.)

MC 30837 (Sub-493F), filed December 27, 1979. Applicant: KENOSHA AUTO TRANSPORT CORP., 4314 39th Ave., Kenosha, WI 53142. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. Transporting *motor vehicles,* in initial movements, in truckaway service, from Battle Creek, MI, to points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 42487 (Sub-967F), filed December 31, 1979. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. Transporting *General commodities,* (except those of unusual value, Classes A and B explosives, green hides, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the facilities of David Kahn, Inc., at or near Deer Lake, PA, as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing site: Harrisburg, PA or Washington, DC.)

Note.—Applicant intends to tack to its existing authority and any authority it may acquire in the future.

MC 49387 (Sub-56F), filed August 7, 1979. Applicant: ORSCHELN BROS. TRUCK LINES, INC., U.S. Hwy 24 East, P.O. Box 658, Moberly, MO 65270. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave,. Suite 600, Kansas City, MO 64105. To operate as a *common carrier,* by motor vehicle, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods, commodities in bulk, and those requiring special equipment), (1) between Evansville, IN, and Nashville, TN, serving the intermediate points of Madisonville, Hopkinsville, Nortonville and Sebree, KY, and the off-route point of Owensboro, KY, the plantsite of Customs Resins, Inc., Division of Bemis Co., Inc. at or near Henderson, KY, and the plantsite of Firestone Steel Products Co., Division of Firestone Tire and Rubber Co. at or near Henderson, KY: from Evansville over U.S. Hwy 41 to its junction with Interstate Hwy 24, then over Interstate Hwy 24 to Nashville, and return over the same route; (2) between Bloomington, IL, and Nashville, TN, serving the intermediate point of Paducah, KY and the off-route points of Calvert City, KY and Metropolis, IL and Brookport, IL as

off-route points, and serving the junctions of Interstate Hwy 57 and U.S. Hwy 36, Interstate Hwys 64 and 57, Interstate Hwy 24 and U.S. Hwy 62 at or near Paducah, KY, Interstate Hwy 24 and U.S. Hwy 68 at or near Gracey, KY, Interstate Hwy 24 and U.S. Hwy 62 near Kuttawa, KY, and U.S. Hwy 60 and Interstate Hwy 24 at or near Paducah, KY, as points of joinder only: from Bloomington over Interstate Hwy 74 to junction Interstate Hwy 57, then over Interstate Hwy 57 to junction Interstate Hwy 24, then over Interstate Hwy 24 to Nashville, and return over the same route; (3) between the junction of Interstate Hwy 24 and U.S. Hwy 62 at or near Paducah, KY, and the junction of U.S. Hwys 62 and 41 serving the junction of U.S. Hwy 62 and Interstate Hwy 24 at or near Kuttawa, KY, for purposes of joinder only: from the junction of Interstate Hwy 24 and U.S. Hwy 62 at or near Paducah, KY, over U.S. Hwy 62 to its junction with U.S. Hwy 41, and return over the same route; (4) between the junction of Interstate Hwy 24 and U.S. Hwy 68 at or near Paducah, KY, and the junction of U.S. Hwys 68 and 41, serving the junction of Interstate Hwy 24 and U.S. Hwy 68 at or near Gracey, KY, for purposes of joinder only: from the junction of Interstate Hwy 24 and U.S. Hwy 68 at or near Paducah, KY, over U.S. Hwy 68 to its junction with U.S. Hwy 41, and return over the same route; (5) between Springfield, MO, and junction Interstate Hwy 24 and U.S. Hwy 60 at or near Paducah, KY, serving the junction for purposes of joinder only: from Springfield, MO, over U.S. Hwy 60 to its junction with Interstate Hwy 24, and return over the same route; (6) between Springfield, IL, and the junction of U.S. Hwy 36 and Interstate Hwy 57, serving the junction for purposes of joinder only and serving the junction of U.S. Hwys 36 and 51 for purposes of joinder only: from Springfield over U.S. Hwy 36 to its junction with Interstate Hwy 57, and return over the same route; (7) between St. Louis, MO, and the junction of Interstate Hwys 64 and 57, serving the junction for purposes of joinder only and serving the junction of U.S. Hwys 51 and Interstate Hwy 64 for purposes of joinder only: from St. Louis over Interstate Hwy 64 to its junction with Interstate Hwy 57, and return over the same route; (8) between Bloomington, IL and the junction of U.S. Hwy 51 and Interstate Hwy 64, serving the junction for purposes of joinder only, and serving the junction of U.S. Hwys 51 and 36 for purposes of joinder only: from Bloomington over U.S. Hwy 51 to its junction with Interstate Hwy 64, and return over the same route; and (9) between the junction of Interstate Hwys 57 and 64 and Evansville, IN serving the junction for purposes of joinder only: from the junction of Interstate Hwys 57 and 64 over Interstate Hwy 64 to its junction with U.S. Hwy 41, then over U.S. Hwy 41 to Evansville, and return over the same route. (Hearing sites: Nashville, TN; St. Louis, MO.)

MC 59206 (Sub-30F), filed July 24, 1979. Applicant: HOLLAND MOTOR EXPRESS, INC., 750 East 40th St. Holland, MI 49423. Representative: A. David Millner, P.O. Box 1409, 167 Fairfield Rd., Fairfield, NJ 07006. 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 Indianapolis, IN and Gettysburg, OH, over U.S. Hwy 40, serving the intermediate and off-route points of Richmond, Cambridge City, Knightstown and Greenfield, IN, and return over the same route. (Hearing site: Detroit, MI.)

MC 61016 (Sub-57F), filed December 28, 1979. Applicant: PETER PAN BUS LINES, INC., 1776 Main St. Springfield, MA 01103. Representative: Charles A. Webb, Suite 800-South, 1800 M Street, NW., Washington, D.C. 20036. Transporting *passengers and their baggage, and express and newspapers in the same vehicle with passengers*, between Springfield, MA, and Portland, ME, serving all intermediate points, over the following routes: (1) from Springfield, MA, over Interstate Hwy 90 to junction Interstate Hwy 290 at Worcester, MA, then over Interstate Hwy 290 to junction Interstate Hwy 495, then over Interstate Hwy 495 to junction Interstate Hwy 95, then over Interstate Hwy 95 to Portland, ME, and return over the same route, (2) from Springfield, MA, over Interstate Hwy 90 to junction Interstate Hwy 290 at Worcester, MA, then over Interstate Hwy 495 to MA Hwy 110, then over MA Hwy 110 to junction U.S. Hwy 1, then over U.S. Hwy 1 to Portland, ME, and return over the same route, and (3) from Springfield, MA, over Interstate Hwy 90 to junction Interstate Hwy 290 at Worcester, MA, then over Interstate Hwy 290 to junction Interstate Hwy 495, then over Interstate Hwy 495 to junction MA Hwy 110, then over MA Hwy 110 to junction MA Hwy 1A, then over MA Hwy 1A to junction NH Hwy 1A at the MA–NH State line, then over NH Hwy 1A to U.S. Hwy 1 at Portsmouth, NH, then over U.S. Hwy 1 to junction ME Hwy 1A near York Village, ME, then over ME Hwy 1A to junction unnumbered hwy near York Beach, ME, then over unnumbered hwy to junction U.S. Hwy 1 near Ogunquit, ME, then over U.S. Hwy 1 to junction ME Hwy 9 at Elms, ME, then over ME Hwy 9 to junction U.S. Hwy 1 at Saco, ME, then over U.S. Hwy 1 to Portland, ME, and return over the same route, serving the off-route points of Biddeford Pool, Bay View, Old Orchard Beach and Pine Point, ME. (Hearing site: Springfield, or Worcester, MA.)

MC 65626 (Sub-35), filed December 28, 1979. Applicant: FREDONIA EXPRESS, INC., P.O. Box 222, Fredonia, MY 14063. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Transporting (1) *such commodities as are dealt in or used by grocery and food business houses* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between the facilities of Ralston Purina Company at or near Dunkirk, NY, on the one hand, and, on the other, points in CT, MA, ME, NH, RI, and VT. (Hearing site: Buffalo, NY, or Washington, DC.)

MC 69116 (Sub-254F), filed December 31, 1979. Applicant: SPECTOR INDUSTRIES, INC., d.b.a. SPECTOR FREIGHT SYSTEM, 1050 Kingery Highway, Bensenville, IL 60106. Representative: Edward G. Bazelon, 39 So. La Salle St., Chicago, IL 60603. Transporting (1) *such commodities* as are dealt in or used by manufacturers of and dealers in agricultural equipment and machinery, industrial equipment and machinery, and lawn and leisure products (except commodities in bulk), and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities described in (1) above (except commodities in bulk) between Port Washington, and Milwaukee, WI, on the one hand, and, on the other, points in DE, IL, IN, IA, KS, KY, ME, MD, MI, MN, NE, NH, NY, ND, OH, SD, TN, VT, VA, and WV. (Hearing site: Chicago, IL.)

MC 76266 (Sub-132F), filed December 26, 1979. Applicant: ADMIRAL-MERCHANTS MOTOR FREIGHT, INC., 215 So. 11th St., Minneapolis, MN 55403. Representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, MN 55102. 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 Two Rivers, WI, and North Chicago, IL, serving the off-route points in Milwaukee County, WI: (a) from Two Rivers over WI Hwy 42 to Manitowoc, WI, then over U.S. Hwy 141 to junction

Milwaukee County Hwy B, then over Milwaukee County Hwy B to Milwaukee, WI, then over WI Hwy 42 via Racine, WI, to the WI–Il State line, and then over IL Hwy 42 to North Chicago, and return over the same route, (b) from Two Rivers to Milwaukee as specified above, then over Milwaukee County Hwy H to junction WI Hwy 38, then over WI Hwy 38 to Racine, WI, and then to North Chicago as specified above, and return over the same route, and (c) from Two Rivers to Milwaukee as specified above, then over Milwaukee County Hwy AA to junction Milwaukee County Hwy Z, then over Milwaukee County Hwy Z to junction WI Hwy 42, then to North Chicago as specified above, and return over the same route, (2) between Sheboygan, WI and Chilton, WI, serving all intermediate points: from Sheboygan over WI Hwy 32, then over WI Hwy 57 to Chilton, and return over the same route, (3) between Sheboygan over WI Hwy 23 to Plymouth, WI, (4) between Sheboygan, WI over WI Hwy 28 to Sheboygan Falls, WI, (5) between Milwaukee, WI and Madison, WI, serving all intermediate points: from Milwaukee over WI Hwy 19, then over WI Hwy 19 to Sun Prairie, WI, then over U.S. Hwy 151 to Madison, and return over the same route, (6) between Milwaukee, WI and South Beloit, IL, serving all intermediate points: from Milwaukee over WI Hwy 15, then over WI Hwy 15 to Beloit, WI, then over U.S. Hwy 51 to South Beloit, and return over the same route, (7) between Milwaukee, WI and Genoa City, WI, serving all intermediate points: from Milwaukee over U.S. Hwy 41 to junction WI Hwy 36, then over WI Hwy 36 to Lake Geneva, WI, and then over U.S. Hwy 12 to Geneva City, and return over the same route, (8) between Racine, and Janesville, WI, over WI Hwy 11, serving the off-route point of Williams Bay, WI, (9) between Racine and Rochester, WI, over WI Hwy 20, serving all intermediate points, (10) between Milwaukee and Janesville, WI, serving the off-route point of Genesee Depot, WI: from Milwaukee over U.S. Hwy 18 to Waukesha, WI, (also from Milwaukee over WI Hwy 59 to Waukesha) then over WI Hwy 59 to Milton, WI, and then over WI Hwy 26 to Janesville, and return over the same route, (11) between Watertown and Portage, WI, over U.S. Hwy 16, serving the off-route points of Clayman, Reeseville, Fall River, and Pardeeville, WI, (12) between Watertown, WI and Portage, WI, serving all intermediate points: from Watertown over WI Hwy 26 to junction WI Hwy 33, then over WI Hwy 33 to Beaver Dam, WI, then over U.S. Hwy 151 to Columbus, WI, and then over U.S. Hwy 16 to Portage, and return over the same route, (13) between Watertown and Whitewater, WI, serving all intermediate points: from Watertown over WI Hwy 26 to Fort Atkinson, WI, then over U.S. Hwy 12 to Whitewater, and return over the same route, (14) between Watertown, WI and junction WI Hwy 26, serving all intermediate points: from Watertown over County Hwy A to Lake Mills, WI, then over WI Hwy 30 to junction WI Hwy 26, and return over the same route, (15) between Lake Geneva, and Delavan, WI, serving all intermediate points: from Lake Geneva over WI Hwy 36 to Williams Bay, WI, then over County Hwy H to junction WI Hwy 50, and then over WI Hwy 50 to Delavan, and return over the same route, (16) between Milwaukee, and junction WI Hwy 15 near East Troy, WI, serving all intermediate points: from Milwaukee over unnumbered Hwys via Hales Corners, Muskego, Big Bend, Caldwell, and Lake Beaulah, WI, to junction WI Hwy 15 near East Troy, and return over the same route, (17) between Hales Corners over unnumbered Hwy to St. Martin, WI, (18) between junction unnumbered Hwy and WI Hwy 83 near Lake Beulah, and Mukwonago, WI, serving all intermediate points: from junction unnumbered Hwy and WI Hwy 83 near Lake Beulah, then over WI Hwy 83 to Mukwonago, and return over the same route, (19) between Burlington, WI and junction unnumbered Hwy south of Salem, WI, serving all intermediate points: from Burlington over WI Hwy 83 to junction unnumbered Hwy south of Salem, and return over the same route, (20) between Genoa City, WI over unnumbered Hwys to junction unnumbered Hwy north of Twin Lakes, WI, serving all intermediate points, (21) between junction WI Hwy 83 and unnumbered Hwy south of Salem, WI over unnumbered Hwy to Wilmont, WI, serving all intermediate points, (22) between Wilmont, WI over unnumbered Hwy to junction WI Hwy 83 south of New Munster, WI, serving all intermediate points, (23) between junction WI Hwy 83 and unnumbered Hwy northeast of Silver Lake, WI over unnumbered Hwy to junction unnumered Hwy north of Twin Lakes, WI, serving all intermediate points, (24) between Kenosha over WI Hwy 50 to junction WI Hwy 83, serving all intermediate points, (25) between junction WI Hwy 50 and unnumbered Hwy over unnumbered Hwy to Pleasant Prairie, WI, serving all intermediate points, (26) between junction WI Hwy 50 and U.S. Hwy 45, and Bristol, WI, serving all intermediate points: from junction WI Hwy 50 and U.S. Hwy 45 over U.S. Hwy 45 to Bristol, and return over the same route, (27) between junction unnumbered Hwys north of Lake Elizabeth, WI over unnumbered Hwy to Lake Elizabeth, and return over the same route, (28) between Gibbsville, WI and Milwaukee, WI, serving the intermediate point of Cedar Grove, WI, and the off-route point of Oostburg, WI: from Gibbsville over WI Hwy 42 to junction Milwaukee County Hwy B, then over Milwaukee County Hwy B to Milwaukee, and return over the same route, (29) between junction WI Hwy 30 and WI Hwy 19, and Madison, WI, serving the intermediate point of Delafield, WI: from junction WI Hwy 30 and WI Hwy 19, over WI Hwy 30 to Madison, and return over the same route, (30) between junction U.S. Hwy 141 and WI Hwy 57 and junction WI Hwy 144 and U.S. Hwy 141, serving all intermediate points: from junction U.S. Hwy 141 and WI Hwy 57 over WI Hwy 57 to junction WI Hwy 144, then over WI Hwy 144 to junction U.S. Hwy 141, and return over the same route, (31) between junction Racine County Hwy K and WI Hwy 38, east of Franksville, WI, and junction U.S. Hwy 41 and WI Hwy 36 southwest of Milwaukee, WI, serving all intermediate points: from junction Racine County Hwy K and WI Hwy 38 over Racine County Hwy K to Thompsonville, WI, then over U.S. Hwy 41 to junction WI Hwy 36, and return over the same route, (32) between Beaver Dam, WI, and Markesan, WI, serving the off-route points of Manchester and Kingston, WI: from Beaver Dam over WI Hwy 33 to junction County Hwy A at Randolph, WI, then over County Hwy A to Markesan (also from junction WI Hwy 33 and County Hwy A westward over WI Hwy 33 to junction WI Hwy 73, then over WI Hwy 73 to junction WI Hwy 44, east of Manchester, WI, and then over WI Hwy 44 to Markesan), and return over the same route, (33) between Minnesota Jct., WI over WI Hwy 33 to Port Washington, WI, serving all intermediate points, (34) between Oconomowoc, WI, and Horicon, WI, serving Horicon, WI for purposes of joinder only: from Oconomowoc over WI Hwy 67 via Iron Ridge, WI, to Mayville, WI, then over WI Hwy 28 to Horicon, and return over the same route, (35) between junction WI Hwys 33 and 73, and Portage, WI, serving junction WI Hwys 33 and 73 for purposes of joinder only: from junction WI Hwys 33 and 73 over WI Hwy 33 to Portage, and return over the same route, (36) between junction WI Hwys 33 and 44, and Wyocena, WI, serving junction WI Hwys 33 and 44 for purposes of

joinder only: from junction WI Hwys 33 and 44 over WI Hwy 44 to Wyocena, and return over the same route, (37) between junction WI Hwy 44 and County Hwy P, northeast of Pardeeville, WI, and junction WI Hwys 33 and 73, north of Randolph, WI, serving the termini for purpose of joinder only: from junction WI Hwy 44 and County Hwy P over County Hwy P to Randolph, then over WI Hwy 73 to junction WI Hwy 33, and return over the same route, (38) between junction WI Hwys 33 and 146, and Cambria, WI, serving the termini for purpose of joinder only: from junction WI Hwys 33 and 146 over WI Hwy 146 to Cambria, and return over the same route, and (39) between Juneau, WI and Hartford, WI, serving Hartford, WI for purposes of joinder only: from Juneau over WI Hwy 115 to junction WI Hwys 115, 67, and 60, north of Neosho, WI, then over WI Hwy 60 to Hartford, and return over the same route, over *irregular routes,* transporting *general commodities,* with exceptions as specified above, between points in Racine, Kenosha, Burlington, Waukesha, Watertown, Port Washington, Sheboygan, and East Troy, WI, and those in Milwaukee County, WI. (Hearing site: Milwaukee, WI.)

Note.—Applicant intends to tack the authority sought herein with its existing authority in MC 76266 and with authority under common control with applicant in MC-108185 so as to provide a through service between the points sought herein and applicant's existing territory which extends generally from MN on the north, NE and CO on the west, LA and AL on the south and to the eastern seaboard on the east.

MC 78687 (Sub-100F), filed December 27, 1979. Applicant: LOTT MOTOR LINES, INC., Box 751, Moravia, NY 13118. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001. Transporting *paper, paper products and plastic articles and materials, equipment and supplies* used in the manufacture, sale and distribution thereof (except commodities in bulk), between the facilities of Sonoco Products Company, at or near Downingtown, Nanover and Robesonia, PA, on the one hand, and, on the other, points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Washington, DC.)

MC 95876 (Sub-331F), filed December 27, 1979. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. No., St. Cloud, MN 56301. Representative: William L. Libby (same address as applicant). Transporting *buildings, building panels, building parts, and materials, accessories, and supplies* used in the installation, erection and construction of buildings, building panels, and building parts (except commodities in bulk), between the facilities of Butler Manufacturing Company, at San Marcos, TX, on the one hand, and, on the other, points in the US (except AK and HI), restricted to traffic originating at or destined to the facilities of Butler Manufacturing Company, at San Marcos, TX. (Hearing site: Chicago, IL, or St. Louis, MO.)

MC 97127 (Sub-15F), filed December 31, 1979. Applicant: BATESVILLE TRUCK LINE, INC., P.O. Box E, Batesville, AR 72501. Representative: Don A. Smith, P.O. Box 43, 510 No. Greenwood, Fort Smith, AR 72902. Over regular routes, transporting *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 Edgement, AR, over AR Hwy 16, serving all intermediate points, (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, over U.S. Hwy 65 serving all intermediate points, (5) between Harrison, AR and Marshall, AR, serving all intermediate points: from Harrison over AR Hwy 7 to junction AR 14, then over AR Hwy 14 to junction AR Hwy 27, then over AR Hwy 27 to Marshall, and return over the same route, (6) between Harrison, AR and Viola, AR, serving all intermediate points: from Harrison over U.S. Hwy 65 to junction U.S. Hwy 62, then over U.S. Hwy 62 to Viola, and return over the same route, (7) between Calico Rock, AR and junction AR Hwy 201 and the AR-MO state line, serving all intermediate points: from Calico Rock over AR Hwy 5 to junction AR Hwy 201, then over AR Hwy 201 to AR-MO state line, and return over the same route, (8) between Mountain Home, AR and Norfork, AR over AR Hwy 201, serving all intermediate points, (9) between termination of AR Hwy 101 at or near Rea Valley, AR and Mountain Home, AR, serving all intermediate points: from termination of AR Hwy 101 at or near Rea Valley to junction AR Hwy 178, then over AR Hwy 178 to Midway, AR, then over AR Hwy 5 to Mountain Home, and return over the same route, (10) between termination AR Hwy 202 at or near Oakland, AR and junction AR Hwy 126 and U.S. Hwy 62, serving all intermediate points: from termination of AR Hwy 202 at or near Oakland, AR to junction AR Hwy 5, then over AR Hwy 5 to junction AR Hwy 126, then over AR Hwy 126 to its junction with U.S. Hwy 62, and return over the same route, (11) between junction AR Hwys 126 and 178 and Mountain Home, AR, serving all intermediate points: from junction AR Hwys 126 and 178 over AR Hwy 178 to Mountain Home, and return over the same route, (12) between Timbo, AR and Rushing, AR over AR Hwy 263, serving all intermediate points, and (13) between Springhill, AR and Little Rock, AR over U.S. Hwy 65, serving no intermediate points. (Hearing site: Little Rock, AR, or Memphis, TN.)

Note.—Applicant intends to tack this authority.

MC 99656 (Sub-3F), filed December 27, 1979. Applicant: IDDINGS TRUCKING, INC., State Route 60, P.O. Box 388, Lowell, OH 45744. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. Transporting *coke,* in bulk, in dump vehicles, from Gary, IN, to the plant site of Interlake Incorporated in Washington County, OH. (Hearing site: Columbus, OH.)

MC 100666 (Sub-512F), filed December 27, 1979. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, Suite 615 East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Insulating materials and supplies,* from the facilities of CertainTeed Corp., at or near Pauline and Kansas City, KS, to points in IN, IL, IA, KY, MI, MO, OH and WI. (Hearing site: Kansas City, MO.)

MC 100666 (Sub-513F), filed December 28, 1979. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, Suite 615 East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *mineral wool insulation* (fiberglass), (except in bulk), from the facilities of CertainTeed Corporation at or near Athens, Atlanta, and Chamblee, GA to points in AL, AR, IL, IN, KY, LA, MO, OH and TX. (Hearing site: Atlanta, GA.)

MC 102616 (Sub-1024F), filed December 26, 1979. Applicant: COASTAL TANK LINES, INC., 250 No. Cleveland-Massillon Rd., Akron, OH 44313. Representative: David F. McAllister (same address as applicant). Transporting *liquid chemicals,* (in bulk), from the facilities of United States Steel Corp., at Neville Island, PA to points in

AL, DE, FL, GA, IN, KY, MD, MI, NC, OH, SC, TN, VA, WV, and DC. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 105016 (Sub-13F), filed December 27, 1979. Applicant: PELLISSIER TRUCKING, INC., 1002 Hostetler, P.O. Box 192, The Dalles, OR 97058. Representative: Russell M. Allen, 1200 Jackson Tower, Portland, OR 97205. Transporting *aluminum, aluminum products and materials equipment and supplies* used in the manufacture and sale of aluminum, between the facilities of Martin Marietta Aluminum, Inc., at The Dalles, OR, and in Klickitat County, WA, on the one hand, and, on the other, points in OR and WA. (Hearing site: Portland or The Dalles, OR.)

MC 108767 (Sub-156F), filed December 31, 1979. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Ave., NW, Knoxville, TN 37917. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602. Transporting (1) *freight carts, trucks, trailers, wagons,* and (2) *bodies, springs, wheels, shafts, poles, and tongues* for the commodities in (1) above, from the facilities of Jakes Manufacturing Co., at or near Nashville, TN, to points in the United States in and east of ND, SD, NE, CO, and NM. (Hearing site: Nashville, TN.)

MC 113106 (Sub-87F), filed December 26, 1979. Applicant: THE BLUE DIAMOND CO., a corporation, 4401 East Fairmount Ave., Baltimore, MD 21224. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St., NW., Washington, DC 20005. Transporting *salt and salt products,* (a) from Silver Springs, NY, to points in NC, SC, OH, and WV, and (b) from Perth Amboy, NJ, to points in PA, NY, DE, MD, VA, WV, and DC. (Hearing site: Chicago, IL, or Washington, DC.)

MC 115116 (Sub-32F), filed December 27, 1979. Applicant: SUBURBAN TRANSIT CORP., 750 Somerset St., New Brunswick, NJ 08901. Representative: Michael J. Marzano, 99 Kinderkamack Rd., Westwood, NJ 07675. Over regular routes, transporting *passengers and their baggage and express and newspapers* in the same vehicle with passengers, (1) between the Township of Monroe (Middlesex County), NJ, and East Brunswick, NJ, from junction Forsgate Drive and Applegarth Road in the Township of Monroe (Middlesex County), NJ, over Forsgate Drive to junction East Railroad Avenue in Jamesburg, NJ, then over East Railroad Avenue to junction Stockton Avenue, then over Stockton Avenue to junction Lincoln Avenue, then over Lincoln Avenue to junction Helmetta Road, then over Helmetta Road to junction Main Street at or near the Township of Monroe, NJ-Helmetta, NJ, boundary line, then over Main Street to junction Old Bridge-New Brunswick Turnpike in East Brunswick, NJ, then over Old Bridge-New Brunswick Turnpike to junction access roads to NJ Hwy 18 near the junction of Main Street and Old Bridge-New Brunswick Turnpike, then over NJ Hwy 18 access roads to NJ Hwy 18, then over NJ Hwy 18 to junction access roads of the New Jersey Turnpike at Interchange No. 9 in East Brunswick, NJ, and return over the same route except operating directly from NJ Hwy 18 to Main Street via connecting access road in East Brunswick, NJ, serving all intermediate points, and (2) between points in East Brunswick, NJ: From the East Brunswick Transportation and Commerce Center in East Brunswick, NJ, over Tices Lane to junction NJ Hwy 18 in East Brunswick, NJ, serving all intermediate points. (Hearing site: East Brunswick, NJ.)

Note.—Applicant proposes to provide service to and from New York, NY, by joining the proposed routes with its existing authorized routes.

MC 116967 (Sub-26F), filed September 24, 1979. Applicant: WONDAAL TRUCKING CO., INC., 2857 Ridge Rd., Lansing, IL 60438. Representative: Samuel Ruff, 2109 Broadway, E. Chicago, IL 46312. Transporting *building brick,* between Chicago, IL, and points in OH, WI, MO, MI, IA, IN, PA, KS, KY, MN, TN, MS, and AL, under continuing contract(s) with W. E. Olsen Co., of Park Ridge, IL, and American Brick Company, of Chicago, IL. (Hearing site: Chicago, IL.)

MC 117686 (Sub-281F), filed December 31, 1979. Applicant: HIRSCHBACH MOTOR LINES, INC., P.O. Box 417, Sioux City, IA 51102. Representative: George L. Hirschbach (same address as applicant). Authority sought to operate as a *common* carrier, by motor vehicle, over *irregular* routes, Transporting *meats, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities utilized by John Morrell & Co. at or near East St. Louis, IL, to points in AL, AR, FL, GA, IA, KS, LA, MS, NE, SD and TX, restricted to the transportation of traffic originating at the facilities of John Morrell & Co. (Hearing site: Chicago, IL, or Washington, DC.)

MC 117786 (Sub-83F), filed December 26, 1979. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas, Phoenix, AZ 85014. Transporting *merchandise, equipment and supplies sold, used and distributed by a manufacturer of cosmetics* from the facilities of Avon Products, Inc., in Morton Grove, IL and Glenview, IL to Billings, MT, Cheyenne, WY and Casper, WY. (Hearing site: Phoenix, AZ.)

MC 117786 (Sub-84F), filed December 27, 1979. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. Transporting *paper and paper forms and 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. (Hearing site: Phoenix, AZ.)

MC 119176 (Sub-22F), filed March 22, 1979, and previously noticed in the FR issue of December 11, 1979. Applicant: THE SQUAW TRANSIT COMPANY, P.O. Box 9368, Tulsa, OK 74107. Representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, TX 76102. Transporting (1) (a) *Machinery, equipment, materials,* and *supplies,* used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and (b) *machinery, equipment, materials,* and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking-up thereof, except in connection with main pipe lines; and (2) *Earth drilling machinery* and *equipment,* and *machinery, equipment, materials, supplies,* and *pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in CA, AZ, and NV, on the one hand, and, on the other, points in KS, IL, LA, MO, NM, OH, OK, PA, TX, MS, AR, AL, GA, FL, IN, MI, and WV. (hearing site: Houston, TX or Tulsa, OK.)

Note.—This republication is to correctly reflect the territorial description.

MC 119226 (Sub-123F), filed December 28, 1979. Applicant: LIQUID TRANSPORT CORP., 2901 Madison

Ave., Indianapolis, IN 46227. Representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., Indianapolis, IN 46204. Transporting *liquid weed killing compounds,* (in bulk, in tank vehicles), from Lafayette, IN, to points in the United States (except AK, AR, HI, IL, IA, KS, LA, MO, ND, NM, NE, OH, KY, MI, SD, and WI). (Hearing site: Indianapolis, IN, or Washington, DC.)

MC 119777 (Sub-380F), filed June 5, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., Hwy 85 East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Box Drawer "L" Madisonville, KY 42431. Transporting (1) *construction forms, and construction form material,* and (2) *scaffolding, and scaffolding material,* between points in the United States (except AK and HI), restricted to the transportation of shipments originating at or destined to the facilities of the Ceco Corporation, at Chicago, IL. (Hearing site: Chicago, IL.)

MC 119777 (Sub-438F), filed December 27, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., Hwy 85 East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. Transporting (1) *pipe, pipe fittings, conduit, couplings, roofing and building materials, insulating materials, and materials and supplies* used in the installation thereof, and (2) *materials, equipment and supplies* used in the manufacture or distribution of the above named commodities, between points in the United States (except AK and HI), restricted to traffic originating at or destined to the facilities of CertainTeed Corp., and further restricted against transportation of commodities in bulk. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 119777 (Sub-439F), filed December 31, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., Hwy 85 East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. Transporting *plywood and board,* from points in the United States (except AK and HI) to Jasper, IN. (Hearing site: Louisville, KY, or Indianapolis, IN.)

MC 119777 (Sub-441F), filed December 31, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., Hwy 85 East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. Transporting (1) *agricultural machinery, implements, and equipment, industrial and construction machinery and equipment, irrigation equipment, drainage systems, stump-cutters, log-splitters and log-chippers, and tree-spades,* (2) *attachments, parts and supplies* used in the operation of the commodities in (1) above, and (3) *materials and supplies* used in the manufacture or distribution of (1) and (2) above, between the facilities of Vermeer Manufacturing Company, at or near Pella, IA, on the one hand, and, on the other, points in the United States (except AK and HI), restricted against the transportation of commodities in bulk. (Hearing site: Des Moines, IA.)

MC 119777 (Sub-442F), filed December 31, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., Hwy 85 East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. Transporting (1) *ferro-chrome, ferro-chrome silicon, ferro-silicon, silico-manganese, ferro-manganese, silicon metal, and scrap iron and steel,* between points in Marshall County, KY, on the one hand, and, on the other, points in AZ, CA, CO, MA, MN, MT, NE, NV, NH, NC, OR, RI, SC, TN, UT, VT, WA. (Hearing site: Buffalo, NY or Cleveland, OH.)

MC 120737 (Sub-60F), filed December 27, 1979. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 39, Canton, IL 61520. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Transporting *iron and steel articles,* from Sterling, IL, to points in MN, IA, WI, MO, IL, KY, MS, TN, IN, MI, OH, PA, OK, WV, VA, AR, and LA, restricted to traffic originating at the facilities of Northwestern Steel & Wire Company, at Sterling, IL and destined to the points named. (Hearing site: Chicago, IL.)

MC 121496 (Sub-41F), filed December 28, 1979. Applicant: CANGO CORPORATION, Suite 2900, 1100 Milam Bldg., Houston, TX 77002. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW, Washington, DC 20001. Transporting *liquefied petroleum gases,* (in bulk, in tank vehicles), between Mont Belvieu, TX; Arcadia, LA; and Petal, MS, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Houston, TX.)

MC 123056 (Sub-10F), filed September 17, 1979. Applicant: FREDONIA TRUCK LINE, INC., Hwy 96 and Jackson St., Fredonia, KS 66736. Representative: Laurel D. McClellan, 401 North 6th, P.O. Box 478, Fredonia, KS 66736. Contract carrier, transporting *wheat middlings,* from the facilities of Conagra, Inc., at or near Parsons, KS, to points in AR, MO (except St. Louis), OK, and TX (except points in Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties, TX), under continuing contract(s) with Conagra, Inc., of Omaha, NE. (Hearing site: Wichita, KS, or Springfield, MO.)

Note.—Dual operations may be involved.

MC 123407 (Sub-606F), filed August 13, 1979. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). Transporting *flooring and flooring systems,* from the facilities of AGA, Inc., at Amasa, MI, to points in AL, CA, CO, FL, IN, LA, MS, NE, OH, TX, UT, IL, IA, WI, and Louisville, KY. (Hearing site: Chicago, IL.)

MC 123997 (Sub-4F), filed January 22, 1980. Applicant: COMET FAST FREIGHT, INC., 101 Wellham Ave., N.E., Glen Burnie, MD, 21061. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., Washington, DC 20005. Transporting (1) *such commodities as are dealt in by chain grocery and food business houses* (except frozen commodities and commodities in bulk), (2) *materials, equipment, and supplies* used in the manufacture, sale and distribution of the commodities in (1) above, (a) between the facilities used by The Clorox Company, at or near Frederick and Baltimore, MD, on the one hand, and, on the other, points in DE, NJ, PA, NY, VA, NC, OH, and KY, and (b) from Lakewood, NJ, to the facilities used by The Clorox Company, at Frederick and Baltimore, MD; (3) *aerosol products,* from Piscataway, NJ, and Milford, CT, to the facilities used by The Clorox Company, at or near Frederick and Baltimore, MD, Charlotte, NC and Jersey City, NJ; and (4) *lighter fluid and fireplace logs,* sawdust and wax impregnated, from the facilities used by The Clorox Company, at Fairless Hills, PA, and Paulsboro, NJ, to points in DE, MD, VA, and WV. (Hearing site: Washington, DC.)

MC 129086 (Sub-29F), filed December 31, 1979. Applicant: SPENCER TRUCKING CORP., Route 2, P.O. Box 254A, Keyser, WV 26726. Representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Bldg., 666 Eleventh St., NW, Washington, DC 20001. Transporting (1) *charcoal briquettes, fireplace logs, hickory chips, starter fluid, and* (2) *materials, supplies, and equipment* used in the manufacture or distribution of the commodities in (1) above (except commodities in bulk), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of The Kingsford Company. (Hearing site: Washington, DC.)

MC 129387 (Sub-105F), filed December 26, 1979. Applicant: PAYNE TRANSPORTATION, INC., P.O. Box 1271, Huron, SD 57350. Representative: Charles E. Dye (same address as applicant). Transporting (1) *foodstuffs*, and (2) *meats, meat products, meat byproducts, dairy products, articles distributed by meat packing houses 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), between the facilities of Lauridsen Foods, Inc., at or near Britt, IA, Armour & Co., at Mason City, IA, Fairmont, MN, Kansas City, MO, Eau Claire, Monroe and Portage, WI, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to traffic originating at or destined to the named points. (Hearing site: Phoenix, AZ, or Los Angeles, CA.)

MC 129387 (Sub-106F), filed December 27, 1979. Applicant: PAYNE TRANSPORTATION, INC., P.O. Box 1271, Huron, SD 57350. Representative: Charles E. Dye (same address as applicant). Transporting *meats, meat products, meat byproducts, dairy products, articles distributed by meat packing houses 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 Portland, OR, San Francisco, South San Francisco, and Oakland, CA to points in the United States (except AK and HI), restricted to traffic originating at the facilities of Armour and Co. (Hearing site: Phoenix, AZ, or Los Angeles, CA.)

MC 129387 (Sub-108F), filed December 31, 1979. Applicant: PAYNE TRANSPORTATION, INC., P.O. Box 1271, Huron, SD 57350. Representative: Charles E. Dye (same address as applicant). Transporting *paint, paint products and commodities as are dealt in by paint manufacturers*, (1) from points in MN to points in OR, WA, CA, and CO, (2) from Rockford, IL, to points in CA, CO, and MN, and (3) from Kansas City, MO, to points in CA, CO, OR, MN, and WA. (Hearing site: St. Paul, MN, or Chicago, IL.)

MC 136786 (Sub-195F), filed December 26, 1979. Applicant: ROBCO TRANSPORTATION, INC., 4475 N.E. 3rd St., Des Moines, IA 50313. Representative: Stanley C. Olsen, Jr., 7400 Metro Blvd., Suite 411, Edina, MN 55435. Transporting *foodstuffs*, from points in CA, ID, OR, and WA, to points in CT, DE, IA, IL, IN, KS, MA, MD, MI, MN, MO, NC, ND, NE, NJ, NY, OH, OK, PA, RI, SD, VA, WI, WV, and DC. (Hearing site: San Francisco, CA, or Minneapolis, MN.)

MC 138126 (Sub-44F), filed December 31, 1979. Applicant: WILLIAMS REFRIGERATED EXPRESS, INC., Old Denton Rd., P.O. Box 47, Federalsburg, MD 21632. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St. NW., Washington, DC 20005. Transporting *such commodities as are dealt in by chain grocery stores and food business houses, and materials, equipment, and supplies* used in the manufacture and distribution of the aforementioned commodities (except commodities in bulk), between Omaha, NE, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, AR, and LA, restricted to traffic originating at or destined to the facilities of Campbell Soup Company. (Hearing site: Washington, DC.)

MC 140986 (Sub-12F), filed November 19, 1979. Applicant: GREAT NORTHERN TRUCK LINES, INC., Bank St., Netcong, NJ 07857. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904. Contract carrier, transporting (1) *insulating materials*, from Cloquet MN, Greenville, MS, Plainfield, IL, and Gypsum and Newark, OH, to points in the United States (except AK and HI), and (2) *materials and supplies* used in the manufacturing and sale of the commodities in (1) above, in the reverse direction, under continuing contract(s) with Kamco Supply Corp., of Brooklyn, NY, and Kamco Supply Corp. of New England, of West Haven, CT. (Hearing site: Newark, NJ.)

MC 141396 (Sub-7F), filed December 26, 1979. Applicant: DELP, INC., Highway 71 South, P.O. Box 369, Springdale, AR 72764. Representative: Stanley W. Ludwig, 529 S. Holcomb St., P.O. Box 285, Springdale, AR 72764. Transporting *green coffee*, from New Orleans, LA; Laredo and Houston, TX, to Duluth, MN. (Hearing site: Little Rock, AR.)

MC 143276 (Sub-26F), filed December 27, 1979. Applicant: WEAVER TRANSPORTATION COMPANY, 5452 Oakdale Rd., Smyrna, GA 30080. Representative: James L. Brazee, Jr., P.O. box 32309, Decatur, GA 30032. Transporting *asphalt saturated felt and packaged asphalt* from the facilities of Warrior Roofing Manufacturing Company, Inc., in Tuscaloosa County, AL to points in AR, FL, GA, KY, LA, MS, MO, NC, SC, TN, TX, VA and OK. (Hearing site: Atlanta, GA.)

MC 143436 (Sub-35F), filed December 27, 1979. Applicant: CONTROLLED TEMPERATURE TRANSIT, INC., 8328 Hill Gail Dr., P.O. Box 41228, Indianapolis, IN 46241. Representative: Stephen M. Gentry, 1500 Main St., Speedway, IN 46224. Transporting *confectionery items*, in vehicles equipped with mechanical refrigeration, from Chicago, IL, to points in IN, KY, MI, and OH. (Hearing site: Indianapolis, IN.)

MC 143436 (Sub-36F), filed December 27, 1979. Applicant: CONTROLLED TEMPERATURE TRANSIT, INC., 8328 Hill Gail Dr., P.O. Box 241228, Indianapolis, IN 46241. Representative: Stephen M. Gentry, 1500 Main St., Speedway, IN 46224. Transporting (1) *foodstuffs* (except in bulk), and (2) *rubber and plastic articles*, from the facilities of Ross Laboratories, at or near Columbus, OH and Sturgis, MI to points in IL, IN, and KY. (Hearing site: Indianapolis, IN.)

MC 143737 (Sub-2F), filed September 4, 1979. Applicant: WHITE TRANSFER & STORAGE CO., INC., Box 1355, Fort Dodge, IA 50501. Representative: Leo Crimmins (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Fort Dodge, IA, on the one hand, and, on the other, points in Webster, Pocahontas, Humboldt, Wright, Calhoun, Greene, Story, and Hamilton Counties, IA, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Des Moines, IA, or Omaha, NE.)

MC 144527 (Sub-12F), filed December 27, 1979. Applicant: BULS EYE TRANSPORT, INC., Suite 2424, 33 No. Dearborn St., Chicago, IL 60603. Representative: Patrick H. Smyth, Suite 521, 19 So. LaSalle St., Chicago, IL 60603. Transporting *foodstuffs* (except commodities in bulk), from Archbold and Napoleon, OH, to points in AL, FL, GA, MS, NC, SC, and TX, restricted to transportation services originating at the facilities of Beatrice Foods Co. (Hearing site: Toledo, OH, or Chicago, IL.)

MC 144827 (Sub-49F), filed December 26, 1979. Applicant: DELTA MOTOR FREIGHT, INC., 2877 Farrisview, P.O. Box 18423, Memphis, TN 38118. Representative: J. Max Harding, P.O. Box 82028, Lincoln, NE 68501. Transporting *foodstuffs*, (except meat, meat products, meat by-products, not

frozen and except commodities in bulk), (1) from the facilities of Vlasic Foods, Inc. at Greenville, MS to points in AL, AR, CO, FL, GA, IL, IN, KS, KY, LA, MO, NM, OH, OK, TN, TX and Millsboro, DE, (2) from the facilities of Vlasic Foods, Inc. at Millsboro, DE to points in CT, DC, MA, MD, ME, NC, NH, NJ, NY, OH, PA, RI, SC, VA, VT and WV, and (3) between the facilities of Vlasic Foods, Inc. at Bridgeport, MI, Memphis, MI, and Imlay City, MI on the one hand, and, on the other, Greenville, MS and Millsboro, DE. (Hearing site: Detroit, MI.)

MC 145957 (Sub-1F), filed July 30, 1979. Applicant: THOMAS M. PETTIS, d.b.a. PETTIS TRUCKING COMPANY, Rt. #4, Box 249–B, Brewton, AL 36426. Representative: Thomas M. Pettis (same address as applicant). Transporting *road construction materials,* from Wallace, AL, to Milton, FL. (Hearing site: Brewton or Montgomery, AL.)

MC 146156 (Sub-2F), filed April 3, 1979, and previously noticed in the **Federal Register** issue of October 16, 1979. Applicant: TIPPECANOE WAREHOUSING, INC., 455 Morland Drive, Lafayette, IN 47905. Representative: Richard A. Mehley, 1000 16th St. NW., Washington, DC 20036. Transporting (1) *such commodities* as are dealt in or used by wholesalers and retail outlets, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in IN, on the one hand, and, on the other, points in IN, Chicago, IL, Cincinnati, OH, and Louisville, KY. (Hearing site: Washington, DC., or Indianapolis, IN.)

Note.—This republication is to correctly reflect the commodity description. Dual operations are involved.

MC 146396 (Sub-4F), filed January 24, 1980. Applicant: COBRA TRUCKING, INC., 132 Hwy 80 West, P.O. Box 2137, Jackson, MS 39056. Representative: John A. Crawford, 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. *Contract carrier,* transporting *agricultural insecticides and fungicides, organics phosphate compound mixtures,* and *weed killing compounds* (except in bulk, in tank vehicles), between Leland, MS and McIntosh, AL, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Agricultural Products Department, Olin Corporation, of Little Rock, AR. Condition: Person or persons who appear to be engaged in common control between applicant and another regular carrier must either file an application under 49 U.S.C. 11343(A) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Jackson, MS.)

Note.—Dual operations may be involved.

MC 146646 (Sub-68F), filed December 27, 1979. Applicant: BRISTOW TRUCKING CO., a corporation, P.O. Box 6355A, Birmingham, AL 35217. Representative: James W. Segrest (same address as applicant). Transporting *clay building products and materials, equipment and supplies* used in the manufacture, production, and distribution of clay building from Pomona and Westminister, CA to points in the United States in and east of ND, SD, NE, KS, OK, and TX. Condition: Person or persons who appears to be engaged in common control of applicant and another regulated carrier must either file and application under 49 U.S.C. 11343(A) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Los Angeles, CA, or Birmingham, AL.)

MC 146646 (Sub-69F), filed December 27, 1979. Applicant: BRISTOW TRUCKING CO., a corporation, P.O. Box 6355A, Birmingham, AL 35217. Representative: James W. Segrest (same address as applicant). Transporting *buildings,* (knocked down or in sections), and *component parts;* from the facilities of Delta Steel Buildings Company, at Dallas, TX, to points in AZ, CA, CO, NE, NM, MO, OR, UT, WA, and WY. Condition: Person or persons who appears to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. 11343(A) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Dallas, TX, or Birmingham, AL.)

MC 146646 (Sub-70F), filed December 27, 1979. Applicant: BRISTOW TRUCKING CO., a corporation, P.O. Box 6355A, Birmingham, AL 35217. Representative: James W. Segrest (same address as applicant). Transporting *containers,* (1) between the facilities of Sonoco Products Co., at Charleston, SC, Henderson, TN, Henderson, KY, Alpha, OH, Chicago, IL, St. Louis, MO, Houston, TX, Orlando, FL, and Memphis, TN, and (2) between the facilities of Sonoco Products named in (1) above, on the one hand, and, on the other, points in the United States (except AK and HI). Condition: Person or persons who appears to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. 11343(A) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Charleston, SC, or Birmingham, AL.)

MC 146646 (Sub-75F), filed December 27, 1979. Applicant: BRISTOW TRUCKING CO., a corporation, P.O. Box 6355A, Birmingham, AL 35217. Representative: James W. Segrest (same address as applicant). Transporting *clay,* in bags, from Thomas County, GA, to points in the United States (except AK and HI). Condition: Person or persons who appears to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. 11343(A) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Philadelphia, PA, or Birmingham, AL.)

MC 146776 (Sub-2F), filed December 17, 1979. Applicant: QUAD CITY SPOTTING SERVICE, INC., P.O. Box 390, Bettendorf, IA 52722. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. *Contract carrier,* transporting (1) *Agricultural equipment parts* and (2) *materials and supplies used in the manufacture of agricultural equipment parts,* between the facilities of International Harvester Company at Rock Island, IL, on the one hand, and, on the other, points in AR, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, ND, OH, OK, SD, TN, TX, and WI, under continuing contract(s) with International Harvester Company, of Rock Island, IL. (Hearing site: Chicago, IL.)

MC 146807 (Sub-15F), filed December 27, 1979. Applicant: S n W ENTERPRISES, INC., 1 Passan Dr., Wilkes Barre, PA 18702. Representative: Joseph F. Hoary, 121 So. Main St., Taylor, PA 18517. Transporting *confectionery and chewing gum,* from the facilities of Topps Chewing Gum, Inc., at Duryea and Scranton, PA, to points in IL, OH, GA, IN, TX, TN, MO, KY, MS, AL, KS, OK, NC, SC, LA, FL, MI, WI, MN, and NY. (Hearing site: Philadelphia, PA.)

MC 146896 (Sub-3F), filed December 10, 1979. Applicant: PAUL R. CHENEY, d.b.a. CHENEY TRUCKING COMPANY, Rt. 1—Artesian St., Lemont, IL 60439. Representative: Patrick H. Smyth, Suite 521, 19 So. LaSalle St., Chicago, IL 60603. Contract carrier, transporting *such commodities as are dealt in by manufacturers and distributors 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, under continuing contract(s) with The Hubinger Company, of Keokuk, IA.

MC 147007 (Sub-4F), filed August 27, 1979. Applicant: EVERFRESH

TRANSPORTATION COMPANY, a Florida corporation, 6431 East Falmer, Detroit, MI 48211. Representative: John S. Barbour, 2711 East Jefferson, Detroit, MI 48207. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *motor vehicle parts, and materials, equipment, and supplies* used in the manufacture and sale thereof, between Warren, Center Line, and Marysville, MI, on the one hand, and, on the other, points in Orlando, FL, under continuing contract(s) with Chrysler Corporation Service and Parts Division. (Hearing site: Lansing, or Chicago, IL.)

MC 147046 (Sub-2F), filed October 21, 1979. Applicant: SUNRISE DAIRY, INC., 1440 SE Cortina Dr., Ankeny, IA 50021. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Transporting *paper bags, plastic bags, and poly sheeting*, from the facilities of Great Plains Bag Corporation, at Des Moines, IA, to points in WI and MN. (Hearing site: Des Moines, IA, or Omaha, NE.)

MC 147266 (Sub-2F), filed September 26, 1979. Applicant: GARY L. REISH, Box 158, Rt. No. 5, Osceola, IA 50213. Representative: J. A. Reynoldson, 200 West Jefferson St., P.O. Box 199, Osceola, IA 50213. Transporting *meat scraps*, from the facilities of the Jimmy Dean Meat Company, at Osceola, IA, to the facilities of Western By-Products, at Omaha, NE. (Hearing site: Des Moines, IA.)

MC 147807 (Sub-5F), filed September 20, 1979. Applicant: TERESI TRUCKING, INC., 900½. Victor Rd., P.O. Box 819, Lodi, CA 95240. Representative: Eldon M. Johnson, 650 California St., San Franciso, CA 94108. Transporting *iron and steel articles*, (1) from points in San Joaquin County, CA, to points in AZ, NV, OR, and WA, and (2) between points in San Joaquin County, CA, on the one hand, and, on the other, points in CA, restricted in (2) above to the transportation of traffic having a prior or subsequent movement by water. (Hearing site: San Francisco or Stockton, CA.)

MC 147826 (Sub-2F), filed December 11, 1979. Applicant: R. C. BARSTOW TRUCKING CO., INC., 102 Middle Street, Hadley, MA 01035. Representative: Norman C. Barstow (same address as applicant). Contract carrier, transporting *paper and paper products and materials, equipment and supplies* used in the manufacture and sale of paper and paper products (except commodities in bulk), between the facilities of Packaging Corporation of America, at or near Northampton, MA, Garfield, NJ, Syracuse, NY, Lancaster, Stroudsburg, and Trexlertown, PA on the one hand and, on the other, points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, and VT under continuing contract(s) with Packaging Corporation of America, of Evanston, IL. (Hearing site: Springfield, or Boston, MA.)

MC 147876 (Sub-2F), filed December 28, 1979. Applicant: SHAY COMPANY, INC., P.O. Box 2081, Clarksville, IN 47130. Representative: Paul M. Daniell, P.O. Box 56387, Atlanta, GA 30343. Contract carrier, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Hoover Universal Inc., under continuing contract(s) with Hoover Universal, Inc. of Georgetown, KY. (Hearing site: Los Angeles, CA.)

MC 147977 (Sub-2F), filed December 6, 1979. Applicant: RIGGLE TRUCKING COMPANY, INC., Box 81, Brooks, KY 40109. Representative: Ora Riggle (same address as applicant). Contract carrier, transporting *bricks, building materials and ties*, between points in KY, on the one hand, and, on the other, points in IN and IL, under continuing contract(s) with American Builders Supply Co., and Atlas Plaster & Supply Co., both of Louisville, KY. (Hearing site: Louisville, KY.)

MC 148016 (Sub-5F), filed December 18, 1979. Applicant: McWHORTER-GRAY ENTERPRISES, INC., 1010 Hwy 15 No., Ripley, MS 38663. Representative: Robert H. Taylor, P.O. Box 1726, Jackson, MS 39205. Contract carrier, transporting *bentonite, cat litter and clay products*, from Middleton, TN, to points in the United States (except AK, AZ, CA, CO, HI, ID, MT, NV, NM, OR, UT, WA, and WY), under continuing contract(s) with Maltan, Inc., of Memphis, TN. (Hearing site: Memphis, TN.)

MC 148646F, filed November 13, 1979. Applicant: BECKSTROM ENTERPRISES, INC., Box 56, Gwinner, ND 58040. Representative: James B. Hovland, 414 Gate City Bldg., P.O. Box 1680, Fargo, ND 58107. Contract carrier, transporting (1) *iron and steel articles*, from Minneapolis, MN and Chicago, IL to the facilities of Concord, Inc. at Fargo, ND; (2) *airline baggage wagons*, from the facilities of Concord, Inc. at Fargo, ND to Chicago, IL and Memphis, TN, under continuing contract(s) in (1) and (2) above with Concord, Inc., of Fargo, ND. (Hearing site: Fargo, ND or Minneapolis, MN.)

MC 148647F, filed November 9, 1979. Applicant: HI-CUBE CONTRACT CARRIER CORP., 7005 So. Pulaski Rd., Chicago, IL 60629. Representative: Arnold L. Burke, 180 No. LaSalle St., Chicago, IL 60601. Contract carrier, transporting (1) *containers, container closures, container components, glassware, and packaging products*, (2) *scrap materials* (except commodities in bulk, in tank vehicles, and those requiring special equipment), and (3) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities named in (1) above (except commodities in bulk, in tank vehicles, and those requiring special equipment), between points in the United States in and east of ND, SD, NE, CO, OK, and TX, under continuing contract(s) with Owens-Illinois, Inc., of Toledo, OH. (Hearing site: Columbus, OH.)

MC 148787 (Sub-1F), filed December 6, 1979. Applicant: HOME DELIVERY CORPORATION, 418 No. 27th St., Milwaukee, WI 53208. Representative: Lawrence P. Kahn, 161 W. Wisconsin Ave., Suite 5170, Milwaukee, WI 53203. Contract carrier, transporting *toilet preparations and commodities* used in the sale of toilet preparations (except commodities in bulk), between Glenview and Morton Grove, IL, on the one hand, and, on the other, points in Racine, Walworth, Rock, Green, Dane, Jefferson, Waukesha, Kenosha, Milwaukee, Ozaukee, Washington, Dodge, Columbia, Green Lake, Fond du Lac, Sheboygan, Manitowac, Calumet and Winnebago Counties, WI, under continuing contract(s) with Avon Products, Inc. (Hearing site: Milwaukee, WI.)

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-9285 Filed 3-26-80; 8:45 am]
BILLING CODE 7035-01-M

[Notice No. 175]

Assignment of Hearings

March 20, 1980

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties

should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 51146 (Sub-686F), Schneider Transport, Inc., now assigned for hearing on May 9, 1980 is canceled and transferred to Modified Procedure.
MC 113855 (Sub-481F), International Transport, Inc., transferred to Modified Procedure.
MC 147308F, Hoboken Tank Lines, Inc., transferred to Modified Procedure.
37251, Landmark, Inc. v. Consolidated Rail Corporation, now assigned for hearing on March 3, 1980 at Columbus, OH, is postponed to March 11, 1980 (4 days) at Columbus, OH. Location of hearing room will be by subsequent notice.
AB 43 (Sub-61F), Illinois Central Railroad Company Abandonment between McRaven and Hermanville, MS, now assigned for hearing on March 24, 1980 at Jackson, MS is postponed to May 5, 1980 (5 days) at Jackson, MS, in a hearing room to be later designated.
MC 146958F, Transportation Services, Inc., now assigned for hearing on April 16, 17, 1980, will be held in the Court Room No. 2, 5th Floor, 300 Booth Street, Reno, NV, and on April 18, 1980 will be held in Room 211, Bureau of Mines, University of Reno, Nevada Campus, 1605 Evans Avenue, Reno, NV.
MC 144789 (Sub-1F), Suzanne V. King, D/B/A Ernie's Mobile Home Transport, now assigned for hearing on April 21, 1980 will be held in Room 510, 5th Floor, 21 Main Street, San Francisco, CA.
MC 108119 (Sub-109F), E. L. Murphy Trucking Company, now assigned for hearing on April 18, 1980 will be held in Room 390, New Federal Bldg., 915 Second Avenue, Seattle, WA, and on April 15, 16, 17, 21, 22, 23, 24, 25, 1980 will be held in Room No. 2866, New Federal Bldg., 915 Second Avenue, Seattle, WA.
MC 98964 (Sub-18F) P.B.I. Freight Service, now assigned for hearing on April 15, 1980 will be held at the Kanab City Club Room, 6 South 100 East, Kanab, UT.
MC 30521 (Sub-1F), H&L Bloom, Inc., now assigned for hearing on March 24, 1980 at Providence, RI is canceled and transferred to Modified Procedure.
MC 114290 (Sub-88F), Exley Express, Inc., transferred to Modified Procedure.
MC 932236 (Sub-1F), Bondy Cartage Limited, now assigned for continued hearing on March 19, 1980 at the Offices of the Interstate Commerce Commission in Washington, DC.
MC-C- 10331, Pennsylvania Public Utility Commission *v.* Mushroom Transportation Company, Inc., now assigned for hearing on April 14, 1980 will be held in the New U.S. Court House, 601 Market Street, Philadelphia, PA.
MC 135859 (Sub-No. 1F), Kauffman & Minteer, Inc., now assigned for hearing on April 16, 1980 will be held in the New U.S. Court House, 601 Market Street, Philadelphia, PA.
MC 135639 (Sub-No. 13F), Queensway, Inc., Application Dismissed.
MC 145371 (Sub-No. 1F), MFCH, Inc., now assigned for hearing on March 26, 1980 at Chicago, IL. is canceled and transferred to Modified Procedure.
MC 144259 (Sub-No. 5F), Jennaro Lines, Inc., transferred to Modified Procedure.
MC 2229 (Sub-No. 212F), Red Ball Motor Freight, Inc., transferred to Modified Procedure.
MC 120981 (Sub-No. 29F), Bestway Express, Inc., now assigned for continued hearing on April 4, 1980 (2 Days), at Montgomery, AL., continued to April 10, 1980 (2 Days), at Mobile, AL., and continued to May 5, 1980 (2 Days), at Birmingham, AL., in a hearing room to be designated later.
MC 94742 (Sub-No. 40F), Michaud Bus Lines, Inc., now assigned for hearing on April 14, 1980 will be held in Room No. 313–315, Norris Cotten Federal Building, 275 Chestnut Street, Manchester, NH.
MC 138108 (Sub-No. 1F), Gulf States Trucking Service, Inc., now assigned for hearing on March 24, 1980 at Jackson, MS. is postponed indefinitely.
MC 136545 (Sub-No. 19F), Nussberger Bros. Trucking Company, Inc. is transferred to Modified Procedure.
MC 95466 (Sub-No. 7F), Dattco, Inc., now assigned for hearing on April 23, 1980 at Hartford, CT. will be held in Room No. 610–A, Federal Building, 450 Main Street, Hartford, CT.
MC-C-10425, Edith Peebles *v.* The Greyhound Corporation, et al., and MC C 10542, The Greyhound Lines, Inc., et al., now assigned for hearing on April 28, 1980 will be held at the Chamber of Commerce, 543 Main, New Rochelle, NY.
MC 22301 (Sub-No. 27F), Sioux Transportation Company, Inc., now assigned for continued hearing on March 27, 1980 at the Offices of the Interstate Commerce Commission in Washington, DC.
MC 119777 (Sub-No. 366F), Ligon Specialized Hauler, Inc., now assigned for hearing on March 17, 1980 at Louisville, KY. is canceled and transferred to Modified Procedure.
MC 144640F, Agricultural Services Association, Inc., now assigned for hearing on April 8, 1980 at New York, NY. is postponed indefinitely.
MC 144640 (Sub-No. 1F), Agricultural Services Association, Inc., now assigned for hearing on April 10, 1980 at New York, NY. is postponed indefinitely.
I&SM 27312, Restructured Rates and Charges, Central States Territory, now assigned for continued hearing on June 12, 1980 at the Offices of the Interstate Commerce Commission in Washington, DC.
MC 145733 (Sub-No. 2F), American Auto Shippers, now assigned for continued prehearing conference on April 8, 1980 at the Offices of the Interstate Commerce Commission in Washington, DC.
MC 58549 (Sub-No. 29F), General Motor Lines, Inc., now assigned for hearing on April 21, 1980 at Roanoke, VA. is postponed to May 12, 1980 (1 Week) at Roanoke, VA. in a hearing room to be designated later.
MC 59583 (Sub-No. 171F), The Mason and Dixon Lines, Incorporated now assigned for continued hearing on April 18, 1980 at the Offices of the Interstate Commerce Commission in Washington, DC., continued to April 22, 1980, at the Netherland Hilton Hotel, 5th and Race Streets, Cincinnati, OH., continued to April 28, 1980 at the Holiday Inn-Independence Mall, 4th and Arch Streets, Philadelphia, PA., June 10, 1980, at the Offices of the Interstate Commerce Commission in Washington, DC.
MC 135859 (Sub-No. 1F), Kauffman & Minteer, Inc., now being assigned for hearing on April 16, 1980 (1 Day), at the New U.S. Court House, 601 Market Street, Philadelphia, PA.
MC 2202 (Sub-No. 593F), Roadway Express, Inc., transferred to Modified Procedure.
MC 112617 (Sub-No. 433F), Liquid Transporters, Inc., transferred to Modified Procedure.
MC 75302 (Sub-No. 13F), Doudell Trucking Company, now being assigned for hearing on May 28, 1980 (3 Days), at San Francisco, CA., and continued to June 2, 1980 (1 week), at Phoenix, AZ. in a hearing room to be designated later.
MC 129615 (Sub-No. 4F), American International Driveaway Extension-Hawaii, now assigned for hearing on April 2, 1980 will be held in Los Angeles County Courthouse, 111 North Hill, Los Angeles, CA.
FD 21478 & FD 21478 (Sub-No. 4), Great Northern Pacific and Burlington Lines, Inc.—Merger, ETC.—Great Northern Railway Company, ETAL., now assigned for hearing on May 1, 1980 continued to July 1, 1980 and continued to August 18, 1980 at the Offices of the Interstate Commerce Commission in Washington, DC.
MC 99096 (Sub-No. 2F), Fillmore Freight Lines, Inc., now assigned for hearing on March 19, 1980 at Columbus, OH. is canceled and transferred to Modified Procedure.
MC 146968F, J. L. Coats, now assigned for hearing on March 24, 1980 at Columbus, OH. is canceled and Application Dismissed.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-9287 Filed 3-26-80; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier Finance Applications; Decision-Notice

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). These rules provide, among other things, that opposition to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the **Federal Register.**

Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. Opposition under these rules should comply with Rule 240(c) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, and specify with particularity the facts, matters and things relied upon, but shall not include issues or allegations phrased generally. Opposition not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of any protest shall be filed with the Commission, and a copy shall also be served upon applicant's representative or applicant if no representative is named. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 240(c)(4) of the special rules and shall include the certification required.

Section 240(e) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request its dismissal.

Further processing steps will be by Commission notice or order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown.*

Any authority granted may reflect administratively acceptable restrictive amendments to the transaction proposed. Some of the applications may have been modified to conform with Commission policy.

We find with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the national transportation policy subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930.

In the absence of legally sufficient protests as to the finance application or any application directly related thereto filed on or before April 28, 1980 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

MC–F–14250F, filed December 4, 1979.

RODE LANES, INC. (RLI)—CONTROL—CONNECTICUT FAST FREIGHT, INC. (CFF) (both of 1550 North Colony Road, Meriden, CT 06450). Representative: Gerald A. Joseloff, 80 State Street, Hartford, CT 06103. RLI seeks authority to acquire control of CFF through the purchase by RLI of all the issued and outstanding capital stock of CFF. John J. McCarthy, Jr., the sole stockholder of RLI also seeks authority to acquire control of CFF through the transaction. RLI is a non-carrier which is affiliated with Warehouse Transport, Inc. (MC–71074) and Westwood Cartage, Inc. (MC–82101), both motor contract carriers operating in the States of MA, ME, CT, NH, NY, RI, and VT. The operating rights to be controlled by RLI are evidenced by a Certificate of Registration in MC–120152 (Sub-No. 1) which is supported by a Certificate of Public Convenience and Necessity issued by the Department of Public Control of the State of Connecticut in Certificate No. C–1193, which authorizes the transportation as a motor common carrier, over irregular routes, of *general commodities* (except household goods and office furniture and equipment and except commodities which necessitate the use of dump trucks, tank trucks, or special equipment), within CT, upon call received at headquarters in Meriden. Condition: Concurrently with consummation of this transaction, RLI, a non-carrier with investments and functions primarily related to transportation, will be considered a motor carrier within the meaning of 49 U.S.C. 11348. Therefore, it will be subject to the applicable provisions of 49 U.S.C. subchapter III of chapter 111 relating to reporting and accounting, and of 49 U.S.C. 11302 relating to the issuance of securities. (Hearing site: Hartford, CT, or Boston, MA.)

Notes.—(1) Dual operations may be involved. (2) Application for temporary authority has been filed. (3) A directly related application seeking a conversion of the Certificate of Registration in MC–120152 (Sub-No. 1) into a Certificate of Public Convenience and Necessity has been filed in MC–120152 (Sub-No. 2F), published in this same **Federal Register** issue.

Decided: March 17, 1980.

By the Commission, Review Board Number 5. Members Krock, Taylor, and Williams.

MC–F–14280F, filed January 4, 1980. K.T.I., LTD (KTI) (4700 Benson Ave., Baltimore, MD 21227)—PURCHASE (PORTION)—EASTERN TRANSIT AND STORAGE, INC. (Eastern) (Charlotte, NC). Representatives: Robert J. Gallagher, 1000 Connecticut Ave., NW, Suite 1200, Washington, DC 20036, and Joseph W. Grier, III, 409 Law Building, Charlotte, NC 28202. KTI seeks authority to purchase a portion of the interstate operating rights of Eastern. George Goldberg, the majority stockholder of KTI, and Robert Harriot, President and minority stockholder of KTI, also seek authority to control said rights through the transaction. KTI is purchasing a portion of the interstate operating rights contained in Eastern's Certificate MC–11020, which authorizes the transportation, as a motor common carrier, over irregular routes, of *household goods*, as defined by the Commission; between Spartanburg, SC, and points in NC, SC, and GA, within 125 miles of Spartanburg, SC, on the one hand, and, on the other, points in FL, GA, NC, SC, VA, WV, MD, DE, PA, NJ, NY, CT, MA, RI, OH, KY, TN, MS, AL, and DC. KTI is a motor common carrier of *household goods*, as defined by the Commission, between points in NY, NJ, CT, DE, PA, MA, ME, NH, VT, RI, MD, VA, NC, OH, IN, IL, MI, and DC, pursuant to authority under MC–127954. (Hearing site: Charlotte, NC.)

Note.—A directly related gateway application has been filed in MC–127954 (Sub-No. 4F), published in this same **Federal Register** issue.

Decided: March 12, 1980.

By the Commission, Review Board Number 5, Members Krock, Taylor, and Williams. (Member Taylor dissents and states that the authority sought in the directly related gateway case, MC–

127954 (Sub-No. 4F), is broader than any combination of the existing authorities. If we are going to grant the authority sought as an extension then the section 49 U.S.C. 11344 application should be denied. Running in two directions at the same time merely to justify granting the applications is arbitrary and contrary to any shown public interest.

Decision-Notice

The following operating rights applications, filed on or after March 1, 1979, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a petition to intervene either with or without leave must be filed with the Commission within 30 days after the date of publication in the **Federal Register** with a copy being furnished the applicant. Protests to these applications will be rejected.

A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(l) may file a petition for leave to intervene under Rule 247(1). In deciding whether to grant leave to intervene, the Commission considers, among other things, whether petitioner has (a) solicited the traffic or business of those persons supporting the appliction, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. Another factor considered is the effects of any decision on petitioner's interests.

Samples of petitions and the text and explanation of the intervention rules can be found at 43 FR 50908, as modified at 43 FR 60277. Petitions not in reasonable compliance with these rules may be rejected. Note that Rule 247(e), where not inconsistent with the intervention rules, still applies. Especially refer to Rule 247(e) for requirements as to supplying a copy of conflicting authority, serving the petition on applicant's representative, and oral hearing requests.

Section 247(f) provides that an applicant which does not intent timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication.

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service is either (a) required by the public convenience and necessity, or, (b) will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the national transportation policy subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930.

In the absence of legally sufficient protests as to the finance application *or* the following operating rights applications directly related thereto filed on or before April 28, 1980 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice by effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

MC 120152 (Sub-2F), filed December 4, 1979. Applicant: CONNECTICUT FAST FREIGHT, INC.—CONVERSION, 1550 North Colony Road, Meriden, CT 06450. Representative: Gerald A. Joseloff, 80 State Street, Hartford, CT 06103. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in CT. (Hearing site: Hartford, CT, or Boston, MA.)

Note.—The purpose of this application is to convert the certificate of registration in MC-120152 (Sub-No. 1) into a certificate of public convenience and necessity. This proceeding is a matter directly related to a proceeding pursuant to 49 U.S.C. 11343 in MC-F-14250F, published in this same Federal Register issue.

MC 127954 (Sub-4F), filed January 22, 1980. Applicant: K.T.I., LTD.—GATEWAY ELIMINATION, 4700 Benson Avenue, Baltimore, MD 21227. Representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Avenue, NW., Washington, DC 20036. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *household goods*, as defined by the Commission, between points in NY, NJ, CT, DE, PA, MA, ME, NH, VT, RI, MD, VA, NC, OH, IL, IN, MI, SC, GA, FL, AL, MS, TN, KY, WV, and DC. (Hearing site: Newark, NJ.)

Note.—This application is directly related to a proceeding pursuant to 49 U.S.C. § 11343 in MC-F-14280F, published in this same Federal Register issue. The purpose of this application is to eliminate the gateway of points in NC within 125 miles of Spartanburg, SC, and expand the authority to a non-radial service.

MC 99569 (Sub-5F), (Republication) filed December 11, 1979, previously published in the FR issue of February 19, 1980. Applicant: Stott & Davis Motor Express, Inc., 18 Garfield Street, Auburn, NY 13201, Representative: Martin Werner 888 Seventh Avenue, New York, NY 10019. To operate as a *common carrier*, over regular routes and irregular routes, transporting *general commodities* (except articles of unusual value, classes A and B' explosives,

household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), A. Regular routes: Between Oswego, NY, and Elmira, NY, serving all intermediate points and the off-route points in Cayuga, Chemung, Cortland, Onondaga, Oswego, Schuyler, Tomplins, and Yates Counties, NY; from Oswego over NY Hwy 57 to Syracuse, then over Interstate Hwy 81 to its junction with NY Hwy 13, then over NY Hwy 13 to Elmira, and return over the same routes, B. Irregular routes: between points in Tompkins County, NY, on the one hand, and, on the other, points in Broome County, NY. (Hearing site: Syracuse, NY.)

Notes.—(1) This republication is to show the correct territorial description. (2) This application is directly related to MC–F–14263 previously published February 28, 1980.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-9286 Filed 3-26-80; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Finance Applications; Decision-Notice

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). These rules provide, among other things, that opposition to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. Opposition under these rules should comply with Rule 240(c) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, and specify with particularity the facts, matters and things relied upon, but shall not include issues or allegations phrased generally. Opposition not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of any protest shall be filed with the Commission, and a copy shall also be served upon applicant's representative or applicant if no representative is named. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 240(c)(4) of the special rules and shall include the certification required.

Section 240(c) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request its dismissal.

Further processing steps will be by Commission notice or order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown.*

Any authority granted may reflect administratively acceptable restrictive amendments to the transaction proposed. Some of the applications may have been modified to conform with Commission policy.

We find with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the national transportation policy subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930.

In the absence of legally sufficient protests as to the finance application *or* any application directly related thereto filed on or before April 28, 1980 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

MC–F–14337, filed February 28, 1980. Authority is sought for approval of Pooling Agreement between Taylor Truck Line, Inc., 404 Clay Street, Charleston, MS 38921, and C–B–C Transports, Inc., General Partner, and M. A. Creekmore, Jasper V. Bennett and Oscar Caradine, Limited Partners, d/b/a C–B–C Transports, a Limited Partnership, 1415 Railroad Avenue, Greenville, MS 38701, to permit pooling of each other's traffic at Greenville, MS for delivery by C–B–C Transports of Taylor Truck Line's traffic at Greenville and Leland, MS and points in MS south of U.S. Hwy. 82 and transportation by Taylor of C–B–C's traffic at points on and within five miles of U.S. Hwy. 82 east of Leland, MS and points in MS north of U.S. Hwy. 82. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38071. Note.—Docket No. MC–F–14338F. "H. Hoyt McKarem—Control—C–B–C Transports et al." and Docket No. MC 141853 (M2F) "C–B–C Transports, et al, Removal of Restriction" are directly related matters. (Hearings sites: (1) Memphis, TN; (2) Greenville, MS; (3) Jackson, MS).

Note.—Common control may be involved.

Decided: March 17, 1980.

By the Commission, Review Board Number 5, Members Krock, Taylor, and Williams.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-9288 Filed 3-26-80; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

[Inv. No. 701-TA-61 (Final)]

Nonquota Cheese From Norway; Termination of Countervailing Duty Investigation

AGENCY: U.S. International Trade Commission.

ACTION: In view of the withdrawal by the petitioner of the petition upon the basis of which the above-captioned investigation was initiated, the Commission hereby terminates such investigation pursuant to section 704(a) of the Tariff Act of 1930.

EFFECTIVE DATE: March 19, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Eninger, Office of Investigations, telephone number (202) 523–0312.

SUPPLEMENTARY INFORMATION: The Trade Agreements Act of 1979, subsection 104(a)(1)(C), requires the Commission to conduct countervailing duty investigations in cases where the Commission receives the most current net subsidy information pertaining to any countervailing duty order in effect on January 1, 1980, for which the Secretary of the Treasury has waived the imposition of countervailing duties under section 303(d) of the Tariff Act of 1930, and which applies to merchandise other than quota cheese, which is a product of a country under the Agreement. On February 5, 1980, the Commission received such information from the U.S. Department of Commerce regarding nonquota cheese from Norway.

Section 704 of the Tariff Act of 1930 permits the Commission to terminate countervailing duty investigations upon withdrawal of the petition by the petitioner. On March 3, 1980, the Commission received a letter from the National Cheese Institute, the original petitioner for a countervailing duty order, requesting that its petition in the matter of nonquota cheese from Norway be withdrawn. By this notice the Commission gives notice that it is granting the request of the National Cheese Institute by terminating the investigation of nonquota cheese from Norway.

In addition to publishing this notice in the **Federal Register**, the Commission is notifying the Department of Commerce of its action in this case.

Issued: March 19, 1980.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-9260 Filed 3-26-80; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-37]

Certain Skateboards and Platforms Therefor; Commission Request for Written Comments and Information on Remedy, Bonding, and the Public Interest

Background

On the basis of an amended complaint filed by Richard L. Stevenson pursuant to section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), the U.S. International Trade Commission on November 4, 1977, instituted an investigation to determine whether there was a violation of section 337 in the unauthorized importation and sale of certain skateboards by reason of the alleged coverage of such skateboards by claims of U.S. Letters Patent 3,565,454, the effect or tendency of which was to destroy or substantially injure an industry, efficiently and economically operated, in the United States. Notice of the Commission's investigation was published in the **Federal Register** of November 11, 1977 (42 FR 58792).

On November 13, 1978, the Commission ordered termination of its investigation based on the determination that there was no violation of section 337 because the relevant claims of the patent in controversy were for the purpose of section 337 invalid as obvious within the meaning of 35 U.S.C. 103. Notice of the Commission's order of termination was published in the **Federal Register** of November 16, 1978 (43 FR 53511).

On January 12, 1979, complainant Stevenson appealed the Commission's determination to the U.S. Court of Customs and Patent Appeals pursuant to 19 U.S.C. 1337(c). In a decision handed down on December 20, 1979, the Court reversed the Commission's determination that there was no violation of section 337, and remanded the case to the Commission for action consistent with the Court's opinion.[1]

Request for Written Comments Concerning Remedy, Bonding, and the Public Interest

Inasmuch as the U.S. Court of Customs and Patent Appeals has found the relevant claims of the patent in controversy to be valid, enforceable, and infringed for the purpose of section 337, and since the active parties to the Commission's investigation stipulated to the issues of importation, effect or tendency to destroy or substantially injure the domestic industry, and efficient and economic operation of the domestic industry, the Commission considers that a violation of section 337 has been established. Prior to final disposition of the investigation, the Commission requests parties to the investigation, interested agencies, public-interest groups, and any other interested members of the public to submit written comments and information concerning the remedy, bonding, and public interest aspects of the case. The original and 19 true copies of all written comments must be submitted on or before April 28, 1980, and should include a proposed remedy, a proposed determination of bonding, and a discussion of those proposals on the public health and welfare, competitive conditions in the U.S. economy, the production of like or directly competitive articles in the United States, and U.S. consumers.

Issued: March 17, 1980.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-9361 Filed 3-26-80; 8:45 am]

BILLING CODE 7020-02-M

[1] *Stevenson* v. *U.S. International Trade Commission et al.*, Appeal No. 79-12, decided December 20, 1979. Petition for rehearing denied February 28, 1980.

[701-TA-11 (Final) Through 701-TA-19 (Final) and 701-TA-22 (Final) Through 701-TA-30 (Final)]

Scheduling of Hearings in Countervailing Duty Investigations

AGENCY: United States International Trade Commission.

ACTION: Scheduling of hearings and other procedural deadlines in countervailing duty investigations with respect to dextrines and soluble or chemically treated starches derived from corn starch or potato starch to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of subsidized imports.

EFFECTIVE DATE: Immediately.

FOR FURTHER INFORMATION CONTACT: John MacHatton, the supervisory investigator assigned by the Commission to these investigations. Telephone (202) 523–0439.

SUPPLEMENTARY INFORMATION: The Commission instituted investigations 701–TA–22 (Final) through 701–TA–30 (Final) concerning dextrines and other soluble or chemically treated starches derived from potato starch effective February 5, 1980 (45 FR 11938, February 22, 1980) pursuant to section 104(a) of the Trade Agreements Act of 1979. That notice incorporated a hearing date and other procedural deadlines. The Commission instituted investigations 701–TA–11 (Final) through 701–TA–19 (Final) concerning dextrines and soluble or chemically treated starches derived from corn starch effective January 1, 1980 (45 FR 3400, January 17, 1980) pursuant to section 102(a)(2) of the Trade Agreements Act of 1979. That notice incorporated a tentative hearing date.

By this notice the Commission establishes a final hearing date and other procedural deadlines in the corn starch investigations to correspond with

the dates in the potato starch investigations, which are as follows:

Commission staff report made available to parties March 21, 1980.
Prehearing statements due from parties April 7, 1980.
Hearing April 9, 1980.

The hearing will be held beginning at 10:00 a.m., e.s.t., in the Hearing Room of the ITC building, 701 E Street, NW., Washington, D.C.

By order of the Commission.

Issued: March 24, 1980.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-9359 Filed 3-26-80; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Mallinckrodt, Inc.; Importation and Manufacture of Controlled Substances; Objections, Requests for Hearing, and Hearing

On December 26, 1979, at 44 FR 76413, notice was given that Mallinckrodt, Inc., Department CB, Mallinckrodt and Second Streets, St. Louis, Missouri 63147, had made application to the Drug Enforcement Administration to be registered as an importer of the following basic class of controlled substances: Raw opium, poppy straw and concentrate of poppy straw, all listed in Schedule II of the Controlled Substances Act of 1970; and that Mallinckrodt, Inc., had also made application for registration as a bulk manufacturer of the following basic class of controlled substances: Codeine, dihydrocodeine, oxycodone, diphenoxylate, hydrocodone, methadone, methadone-inter., morphine, thebaine, opium extracts, opium fluid extracts, opium tinctures, opium powders and opium granulated. Opportunity was given for the filing of comments and objections to said applications and for the filing of requests for hearing with respect to them.

Requests for hearing have been filed by McNeilab, Inc., and Lee Laboratories, Inc., with respect to both applications. Both McNeilab and Lee Laboratories have filed applications with the Drug Enforcement Administration for registration to import and manufacture in bulk a number of the same controlled substances identified in the applications of Mallinckrodt. The applications for registration of McNeilab and Lee Laboratories are pending. Those filed by McNeilab have been referred to the Administrative Law Judge of the Drug Enforcement Administration and hearing sessions for the taking of evidence are presently scheduled to begin on April 22, 1980.

McNeilab states that it is opposed to Mallinckrodt's applications for registration, saying that its opposition is conditional, being predicated upon the position taken by Mallinckrodt in its opposition to McNeilab's pending applications that no more than three companies should be registered in the United States as importers and bulk manufacturers of the subject substances. McNeilab asserts that if this position should be accepted, and only three companies are to be so registered, then McNeilab, rather than Mallinckrodt, should be so registered. McNeilab asserts that registration of Mallinckrodt would be contrary to the public interest because of its repeated increases in the price of bulk codeine over the years, because it opposes McNeilab's pending applications without any basis for so doing, and because Mallinckrodt is not capable of maintaining effective controls against diversion.

Lee Laboratores states that it desires to be heard with regard to the issue of whether the registration of Mallinckrodt is consistent with the public interest under the criteria set forth in the Controlled Substances Act and applicable regulations and with the United States' international treaty obligations.

Comments on Mallinckrodt's applications for registration were submitted by Burroughs Wellcome Co., also presently an applicant for similar registrations. Burroughs Wellcome states its concern that the Drug Enforcement Administration might impose a limit on the number of available registrations which might be less than the number of present applicants. Should such a limit be imposed, Burroughs Wellcome asserts that any applications which were granted prior to the full hearings required on all of the other applications would be subject to attack. Burroughs Wellcome also believes that Mallinckrodt is not in any privileged position with respect to the Controlled Substances Act by virtue of the fact that it is currently registered and is merely seeking a new annual registration.

Accordingly, notice is hereby given pursuant to 21 CFR § 1301.43 and 1311.42 that a hearing will be held on the aforesaid applications for registration commencing at 10:00 a.m. on Wednesday, May 28, 1980, in Room 1210, Drug Enforcement Administration, 1405 I Street NW., Washington, D.C., the proceedings on that day to be limited to a preliminary discussion to identify proper parties and issues, and to determine procedures and set dates and locations for further proceedings. Any person entitled to participate in said hearing and desiring to do so should file a Notice of Appearance pursuant to 21 CFR § 1301.54 and 1316.48 on or before April 28, 1980. A person who has filed a request for hearing need not also file a Notice of Appearance.

Dated: March 20, 1980.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 80-9284 Filed 3-26-80; 8:45 am]

BILLING CODE 4410-09-M

MINIMUM WAGE STUDY COMMISSION

Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following meeting:

Name: Minimum Wage Study Commission.
Date: April 8, 1980.
Time: 10:30 a.m.
Place: 1430 K St. NW, Suite 1102, Washington, DC.

Original notice of this meeting date appeared in the **Federal Register** Mar. 2, 1980.

Proposed agenda:
1. Pending Business
2. Staff reports on demographics and inflation
3. New Business

Next meeting of the Commission will be Tuesday, May 13, 1980.

All communications regarding this Commission should be addressed to: Mr. Louis E. McConnell, Executive Director, 1430 K St. NW, Suite 500, Washington, DC 20005, telephone (202) 376-2450.

Louis E. McConnell,

Executive Director.

[FR Doc. 80-9353 Filed 3-26-80; 8:45 am]

BILLING CODE 4510-23-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Media Arts Panel (Programing in the Arts); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Media Arts Panel (Programming in the Arts) to the National Council on the Arts will be held April 17, 1980 from 9:15 a.m.-5:30 p.m., and April 18, 1980 from 9:00 a.m.-5:30 p.m., in the 12th Floor Screening Room, Columbia Plaza Office Complex, 2401 E St., NW., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and 9(b) of section 552b of Title United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operation, National Endowment for the Arts.

March 20, 1980.

[FR Doc. 80-9352 Filed 3-26-80; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 80-13]

Reports, Safety Recommendations and Responses; Availability

Aircraft Accident Reports in Brief Format

U.S. Civil Aviation Accidents, Issue No. 4 of 1979 Accidents (NTSB–BA–80–1).—The National Transportation Safety Board on March 14 published in computer printout form summary reports of 300 general aviation accidents that occurred in 1979. These reports are issued periodically during the year and the accidents are arranged by date and the State in which they occurred. In addition, each issue contains statistical tables which tabulate and summarize selected accident information such as causal factors and injuries.

As indicated in Press Release SB 80–21 which accompanied Issue No. 4, 23 of the reported accidents involved fuel starvation or fuel exhaustion, which are often needless accidents, preventable with a few simple precautions. Fuel exhaustion—running out of fuel in flight—usually is a result of miscalculation of fuel consumption or inadequate flight preparation. Fuel starvation—engine failure for lack of fuel even though all tanks are not empty—generally is caused by mismanagement of the fuel system through inattention, negligence, or lack of familiarity with the aircraft.

U.S. Civil Aviation Accidents, Issue No. 5 of 1979 Accidents (NTSB–BA–80–2).—The Safety Board on March 17 coupled with its issuance of 299 accident reports comprising Issue No. 5 a reminder to general aviation pilots of the importance of thorough preflight inspection of their aircraft. In Press Release SB 80–22 the Board cited one of the accidents for which probable cause is published in its fifth issue of brief format reports on 1979 civil aviation accidents. The accident involved a deHavilland DHC–1 Chipmunk on a pleasure flight in Georgia. The light, single-engine aircraft crashed from an altitude of more than 2,000 feet in good weather conditions. The plane was demolished and the pilot, its lone occupant, was seriously injured.

Examination of the broken fuselage showed a parachute between the rear seat and the rear control stick, with its straps wrapped around the stick. The pilot reported that his stick in the front cockpit had jammed, leaving him with no more than one inch of stick movement. The Safety Board held that the accident had been caused by the pilot's inadequate preflight preparation and/or planning and by the parachute's interference with flight controls. The accident was one of 34 cases in Issue No. 5, 1979—11 percent of the total of 299 accidents—in which the Board cited inadequate preflight preparation and/or planning as a cause or a causal factor. Such accidents have ranged from 11 percent to 13 percent of all accidents reported by the Board for 1977–78.

Note.—The brief reports in Issues Nos. 4 and 5 contain essential information; more detailed data may be obtained from the original factural reports on file in the Washington office of the Safety Board. Upon request, factual reports will be reproduced commerically at an average cost of 7 cents per page for printed matter, $1 per page for black-and-white photographs, and $1.50 per page for color photographs, plus postage. Requests concerning aircraft accident report briefs should include (1) date and place of occurence, (2) type of aircraft and registration number, and (3) name of pilot. Address requests to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Preliminary 1979 Aviation Accident Statistics

Press Release SB 80–15.—As reflected in the Safety Board's preliminary statistics, released February 20, air carriers in 1979 had higher accident totals and accident rates in most statistical categories than in 1978. Of the 22 air carrier rates which the Board calculates, 13 increased and eight were unchanged; one decreased. One increased rate was the highest in 7 years. General aviation—all non-airline flying—registered lower totals across the board, and record low rates. Total accidents and fatal accidents decreased by as much as 17 percent. Both total and fatal accident rates, whether measured by flight hours or miles flown, were down by 7 to 18 percent.

Safety data compiled in 10-year comparison tables (1969–79) of accidents, fatalities, and rates for the two basic segments of civil aviation, air carrier operations and general aviation operations, are shown in the attachments to Press Release SB 80–15.

Marine Accident Report

Collision of the S/T TEXACO IOWA and the M/T BURMAH SPAR, on the Mississippi River, Pilottown, Louisiana, October 3, 1978 (NTSB–MAR–80–3).—The Safety Board's formal investigation report on this accident was released March 13. The accident was investigated jointly by the Safety Board and the U.S. Coast Guard. Formal investigation began on October 7, 1978, in New Orleans, La. The accident occurred while both tank vessels were inbound and maneuvering in the pilot exchange area off Pilottown. Total damage to the vessel was estimated at $680,000. No persons were injured.

The Safety Board determined that the probable cause of this incident was the failure of the bar pilot and the master to navigate the TEXACO IOWA at a safe distance from the BURMAH SPAR while maneuvering to change pilots. Contributing to the accident was the TEXACO IOWA bar pilot's misjudgment of the vessels' relative speeds and his failure to observe the Inland Rules of the Road, the delayed reaction of the master of the TEXACO IOWA in directing evasive maneuvers, and the failure of the pilots to establish bridge-to-bridge radiotelephone communications before the collision.

As a result of investigation of this accident, the Safety Board on March 5 forwarded three recommendations to the Associated Branch Pilots and the Crescent River Port Pilots' Association concerning pilot exchange boarding and radiotelephone communications practices used off Pilottown. (See 45 FR 16365, March 13, 1980.)

Railroad Accident Report

Rear End Collision of Southern Pacific Transportation Company Freight Trains 02–HOLAT–21 and 01–BSMFK–20, Thousand Palms, California, July 24, 1979 (NTSB–RAR–80–1).—Investigation indicated that Extra 7810 West (01–BSMFK–20) collided with the rear of Extra 8484 West (02–HOLAT–21) while it was standing a siding at Thousand

Palms. Both trains were owned by the Southern Pacific. The engineer died following the collision as a result of smoke and fire, and four crewmembers were injured. Damage was estimated at $1,479,700.

As indicated in the investigation report, released by the Safety Board on March 14, the Board determined that the probable cause of the accident was the failure of the engineer, whose performance was significantly impaired by alcohol, to stop his train as required by the stop aspect displayed by the interlocking home signal at Thousand Palms and the failure of the head brakeman to take emergency action to stop the train before it collided with the standing train.

As a result of its investigation of this accident, the Safety Board on March 5 recommended that Southern Pacific (1) in conjunction with appropriate labor organizations, implement a system of operating rules re-examinations which will insure that all employees subject to those rules will be systematically and periodically examined; and (2) establish supervisory procedures at crew-change terminals to ensure that operating department employees coming on duty are capable of complying with all pertinent operating rules. The Board also reiterated its call on the Federal Railroad Administration to establish for train crewmen the same kind of specific no-drinking periods before they go on duty, and while on duty, that the Federal Aviation Administration imposes on airplane pilots. Also restated was a recommendation that FRA and the railroad industry develop and use a backup safety device which would stop trains automatically whenever engineers are incapacitated. The reiterated recommendations were first made in 1973 and 1974 reports on two train accidents. (See also 45 FR 16366, March 13, 1980.)

Safety Recommendation Letters

Aviation

A–80–19.—Last November 18 a Transamerica Airline L–188, N–859U, with three crewmembers and 27,000 pounds of cargo aboard, departed Hill Air Force Base, Utah. While climbing from 12,000 to 13,000, the crew advised Salt Lake Center that it had lost all electrical power, and requested an immediate descent to VFR conditions with vectors to avoid high terrain. During the descent, the aircraft attained a high airspeed and rate of descent, and broke up in flight. Although the Safety Board's analysis has not yet been completed, the evidence developed in the investigation indicates that certain precautionary action should be initiated on an expedited basis.

Federal Aviation Regulations (14 CFR 121.305(j)) require that all turbojet aircraft be equipped with three gyroscopic band-and-pitch indicators, the third of which is to be powered independently of the normal electrical generating system; this requirement, however, does not apply to large turboprop aircraft operating under 14 CFR Part 121. The Safety Board believes that had N–859U had a third attitude-indicating instrument aboard, the crew probably could have avoided the high airspeed and descent rates which contributed to the airplane breakup.

The Safety Board supported the 1969 proposed rulemaking to require the indicating instrument in all turbine engine powered transport category aircraft, including large turboprop aircraft. However, turboprop aircraft were not included in the final rule NPRM 69–26, which instituted the requirement for large turbojet aircraft.

Accordingly, the Safety Board recommended on March 13 that the Federal Aviation Administration:

Amend 14 CFR 121.305(j) to extend its application to all large turboprop aircraft to require an additional attitude indicating instrument for bank and pitch, operating from a source of power independent of the normal electrical generating system as is now required on all large turbojet aircraft. (Class II, Priority Action) (A–80–19)

A–80–20 and –21.—On March 8, 1980, a Swearingen SA–226 AT, N72OR, with a crew of two and six passengers, experienced a rapid decompression at 16,000 feet when most of the aft cargo compartment door separated in flight. About three-fourths of the door along with interior furnishings, including an unoccupied passenger seat, separated from the aircraft. Two passengers were injured slightly during the decompression and the cabin struck the upper fuselage and the vertical stabilizer. Some of the material from the cabin lodged around the control surfaces in the empennage. A safe landing was made in Albany, N.Y. Although ground search continues for the separated items, only baggage has thus far been recovered.

The Safety Board's on-going investigation indicates that the aircraft was being operatedf at a pressure differential of approximately 7 psi to maintain an approximate sea level pressure. Preliminary examination of the aircraft indicates that there were static failures of the door's latching mechanism, possibly because the mechanism was adjusted improperly.

A review of the Service Difficulty Reports on this type door showed that there have been 29 reports of various problems, including bent latches, stuck pins, misadjustments, and broken cables. There have been no previous reports of structural problems, failures, on in-flight separations. There are about 200 of these aircraft in operation and a large number of them are being used in commuter/air taxi operations. The accident aircraft had accumulated about 2,200 hours of operation at the time of the accident.

The Safety Board has been advised that the aircraft manufacturer is preparing an Alert Service Bulletin to all owner/operators of this aircraft which will recommend inspection an adjustment, as required, of the door latching mechanism.

In view of the potential for a catastorphic accident, the Safety Board on March 14 issued the following "Class I, Urgent Action" recommendations to the FAA:

Issue a telegraphic Airworthiness Directive requiring an immediate inspection of the foor latching mechanism of the aft cargo doors on all Swearingen SA–226 aircraft to assure proper adjustment and structural integrity. (A–80–20)

Issue an Airworthiness Directive restricting the cabin pressure differential in Swearingen SA–226 aircraft until the cause of the aft cargo door failure can be determined and an appropriate corrective action carrier out. (A–80–21)

Pipeline

P–80–15; P–80–16 and –17; P–80–18; P–80–19 through –22.—At 0730 last July 15, 95 miles southeast of New Orleans, La., on the Outer Continental Shelf in Shell Oil Company's (Shell) South Pass, Block 62, field, a 14-inch Southern Natural Gas Company transmission line operating at a pressure of 900 psig was snagged and ruptured by a grappling hook from the anchor-handling vessel PETE TIDE II, whiel the vessel was grappling for an anchor pendant from the semisubmersible drilling rig OCEAN QUEEN. The resulti explosion and fire caused the death of two persons and injuries to foru others. Damage totaled over $1,500,000.

The 14-inch steel gas transmission pipeline lay at a depth of almost 300 feet. This upstream segment of the transmission line was 7.9 miles long, including risers, and extended in an easterly direction between Shell Oil Company production platforms SP65B in Main Pass Block 153 and SP62B in South Pass Block 62. The OCEAN QUEEN was on location for Shell 5,000 feet east-southeast of SP65B and 2,550 feet south of the 14-inch pipeline. On July 1, 1979, Shell surveyors dropped marker buoys for the drilling location, for the eight anchors for the OCEAN QUEEN, and for

an 8-inch Shell oil pipeline. The 14-inch gas pipeline was not marked because it was not within a 500-foot radius of the anchor pattern as verified by a hazard survey conducted 4 weeks earlier. (Hazard surveys are conducted before establishing a drilling location to determine if pipelines or other hazards are present which could be affected by the intended drilling activities.)

Investigation of the circumstances surrounding this accident have led the Safety Board to conclude that the current practice for marking hazards was inadequate, and that snagging the pipeline could have been avoided and the accident could have been prevented with proper marking and communication. As a result of its investigation, the Safety Board on March 13 directed safety recommendations to:

American Gas Association, American Petroleum Institute, International Association of Drilling Contractors, and Offshore Operators Committee of Shell, jointly—

Notify member companies operating similar offshore equipment installations of the particulars of this accident and urge them to review their operating practices and procedures, and to revise them where necessary, to afford maximum protection to submarine pipeline facilities. (P–80–15)

United States Coast Guard—

Require companies conducting anchor-handling activities in the vicinity of submarine pipelines to require specific information as to the location of submarine pipelines and other known harzards before conducting anchor-handling activities. (P–80–16)

In coordination with the Department of the Interior and the Research and Special Programs Administration of the Department of Transportation, develop facility marking and coordination requirements. (P–80–17)

United States Department of the Interior—

Advise lessees subject to its jurisdiction under 30 CFR Part 250 of the circumstances of this accident, and direct that they mark the location of all pipelines which may be hazarded by their drilling operations. (P–80–18)

Shell Oil Company—

Revise its policy regarding pipeline marking in the vicinity of anchor patterns to provide a radius of protection which takes into account all potential anchoring configurations. (P–80–19)

Revise the maps, sketches, or diagrams accompanying the prognosis provided to personnel operating contract mobile drilling rigs in the vicinity of submarine pipelines and other known hazards to show precisely their location and distance from the rig. (P–80–20)

Require that a surveyor be on location to direct any changes in anchor position which may exceed the established margin of safety. (P–80–21)

Require preconstruction meetings between all parties engaged in each offshore drilling, pipelaying, and associated activity, and advise all parties as to the location of submarine pipelines and other known hazards. (P–80–22)

Each of the above pipeline safety recommendations is designated "Class II, Priority Action." Copies of the Safety Board's formal investigation report are being prepared for distribution and will be released in the very near future.

Responses to Safety Recommendations

Aviation

A–79–70.—The Federal Aviation Administration on March 11 responded to the Safety Board's request of January for a summary of extensions granted by FAA in relation to recommendation A–79–70. The recommendation called for strict enforcement of the compliance date for shoulder harness installation required by 14 CFR 135.171, and was one of three recommendations issued following investigation of the crash of a Rocky Mountain Airlines deHavilland DHC at Steamboat Springs, Colo., December 4, 1978. The Board's January 4 letter, commenting on FAA's response of last December 5 (44 FR 75539, December 20, 1979), noted that FAA had not provided any supporting information pertaining to the number of extensions being granted or the extent of the supply problem. The Board asked for a summary of extensions granted by FAA, showing the name of the operator, the date of the request, the reason for the request, the scheduled date of compliance, and, in cases when the extension was requested after June 1, 1979, the reasons for late filing.

The list provided by FAA on March 11 shows 35 air taxi operators who were granted extensions of the June 1, 1979, installation compliance date for shoulder harness requirements under 14 CFR 135.10. All requests for an extension of this date were required because of nonavailability of shoulder harness kits by vendors or manufacturers prior to June 1, 1979. Three requests were made after June 1 because (a) the scheduled shipment of kits was not met, (b) two Lears were added, and (c) operator needed more time to install the kits.

Highway

H–78–19, H–79–7, and H–79–18.—The Federal Highway Administration on February 12 responded to the Safety Board's comments of last December 18 concerning previous response letters forwarded by FHWA with respect to recommendations, developed as a result of the Safety Board's investigations and analyses respectively of the automobile/Mini Motor home collision near McAlester, Okla, July 14, 1977; the van/tractor-full trailer collision near Scipio, Utah, August 26, 1977; and the tractor-semitrailer median barrier penetration and collision with an automobile in St. Louis, Mo., September 25, 1977. The recommendations addressed various aspects of pavement skid resistance.

With respect to recommendation H–78–19, and FHWA's response of last August 31 (44 FR 55675, September 27, 1979), the Safety Board on December 18 stated that it agrees that it would be desirable to have a simple, or limited range, asphalt mix design that could be certified to provide adequate wet weather skid resistance when used as a pavement surface, but that this would be most difficult to achieve given the variables involved. The Board's recommendation was intended to insure this adequate skid resistance through post construction testing. The Board's review of a number of States' wet-pavement skid accident reduction programs has shown that some States have procedures that approach what the Board had in mind in issuing H–78–19. Florida, for example, provides for surface testing in the period from 40 to 60 days following materials placement; Mississippi tests this skid resistance 3 to 4 months after placement,and Washington State requires a surface to be skid tested in the same season that it is placed.

The Board also notes that a recent study has highlighted the problem of new roadway surfaces in finding that, in one State where 17 projects were examined, new surfaces had a skid number of from 9 to 10 numbers lower than the surface they replaced. The Board believes that the program policy modifications outlined in FHWA's August 31 letter will be effective in bettering the overall wet weather skid accident program and suggests that FHWA go beyond the State evaluation provision of its program element No. 2 by providing a continuous, State-by-State compilation and analysis of statistics related to mix design, wet time exposure, wet pavement accidents, and surface age.

FHWA's February 12 response to the Board's comments on H–78–19 indicates that a rational basis for establishing nationwide minimum friction ranges, as well as time limits for meeting such requirements, has not been identified. FHWA states that the Board's letter of December 18 conveys a more comprehensive and realistic view of the problem than the original recommendation and the Board's findings and suggestions from its wet weather accident study will be carefully considered.

With reference to H–79–7, the Safety Board's December 18 letter states that this recommendation was intended to bring about three actions: (1) an evaluation of the applicability of tests other than MuMeter and locked-wheel skid trailer tests for inventory purposes, (2) a comparison of MuMeter and locked-wheel skid trailer tests in order to determine if the continuous readout from the MuMeter locked-wheel tests provides information beyond the locked-wheel trailer tests, and (3) emphasis on the need for full testing capabilities in testing devices for obtaining results from all lanes and all wheel paths. The Board's comments indicate that FHWA's response has not discussed these issues and has, in effect, written the first off by quoting the existing provisions for only MuMeter and locked-wheel testing; also, the response tends to support the Board's position on the third issue by stating that the full site should be tested at specific problem locations.

FHWA's February 12 letter notes that its responses to H–79–7 have dealt with what was perceived to be the point of the recommendation: Modify recommended inventory procedures to include the testing of both left- and right-wheel tracks. FHWA now attempts to address the three distinct points made in the Safety Board's December 18 letter.

With reference to the first point, FHWA notes that the Safety Board made four types of tests at the Scipio, Utah, site: sand patch, outflow meter, MuMeter, and locked-wheel skid tester. The MuMeter and locked-wheel skid tester are accepted inventory methods. The sand patch outflow meter tests are laboratory methods that have often been pressed into field service. Both tests require the traffic lanes to be closed long enough to allow a series of samples. Each "site" evaluation would take roughly 30 minutes. The outflow meter is not generally accepted as an operational test at this time. In "Tentative Skid-Resistance Requirements for Main Rural Highways" (NCHRP Report 37, published in 1967), portable testers wee compared to locked-wheel testers. FHWA states that assuming the cost per site tested using a portable tester (e.g., British Portable Tester) is roughly equal to the methods the Board has suggested, these comparisons were made:

Cost per site:
Portable Tester $3.45
Skid Testers $.32

FHWA states that when the usefulness of either the sand patch and outflow meter is compared to the cost of testing, disruption to traffic, and traffic hazard to the test crew, use of either method for inventory of a large highway system is impractical. FHWA has research studies to investigate alternatives or new methods to evaluate pavements—for example, laser and optical techniques to measure texture while traveling at normal traffic speeds. These techniques, while promising, are far from being operational inventory devices. When they are developed to the point that the equipment is reliable, cost effective, and produces useful data, FHWA will certainly promote their use.

In response to point two raised in Board comments of December 18 relating to H–79–7, FHWA notes that MuMeters have been compared to locked-wheel skid testers by many people over the last 20 years or more. The American Society for Testing and Materials adopted a standard method of testing for the locked-wheel tests in 1965. Standards for the MuMeter have only recently been adopted. Each system has its unique technical advantages and disadvantages. Three States and Puerto Rico have adopted the MuMeter while other States use the locked-wheel skid tester. FHWA has accepted both but favored the locked-wheel tester at least partially because of existing standards. FHWA states the continuous recording feature is certainly an advantage but not an overwhelming one.

Regarding point three in the Board's December 18 letter, FHWA notes that the issue of right-wheel testing capability is admittedly complex. Studies of right- versus left-wheel testing have not produced consistent findings. Since the cost of providing such a capability is high and most agencies are equipped to test one-wheel track only, FHWA is reluctant to require additional expenditure.

The Safety Board's letter of December 18 indicates acceptance of FHWA's report of September 24, 1979, concerning recommendation H–79–18, and the Board has now classified the recommendation as "Closed-Acceptable Action." FHWA's letter of September 24 indicated that a review of the Missouri skid accident reduction program had begun in March 1979 and that a Safety Board representative had joined the review effort in April 1979. FHWA reported that Missouri has an ASTM–E274 locked-wheel skid trailer and that an inventory of Interstate and primary roads was made between 1973 and 1977. Skid number ranking data is reviewed with accident, traffic, and design data to determine improvement areas. The top 100 locations with higher than usual wet-to-dry accident ratios are reviewed by field offices. FHWA also noted that an annual improvement plan is prepared by the districts; these plans are combined into a State improvement plan. State forces are used for areas needing immediate corrective action. FHWA noted last September 24 that the joint FHWA/NTSB review found evidence of research, development, and evaluation efforts in pavement design and construction. Textures and aggregates have been evaluated, and, based on these findings, FHWA concluded that the Missouri State Highway Commission has an adequate pavement surface improvement program.

In connection with recommendation H–79–18, the Safety Board's December 18 letter noted that the Board's further investigation of the Missouri skid accident reduction program, as a part of its overall skid accident related modal safety objective, has revealed that there may be some basic policy problems in its program. It was found that in order to receive treatment for improvement, a wet pavement accident location in Missouri would have to display a 40 to 50 percent wet pavement accident rate. FHWA said in its February 12 letter that this information will be passed on to the field office and kept in mind during future reviews of the skid accident reduction program.

Note.—Single copies of the Safety Board's accident reports are available without charge, as long as limited supplies last. Copies of press releases, recommendation letters, responses and related correspondence are also provided free of charge. All requests for copies must be in writing, identified by report or recommendation number. Address requests to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of accident reports may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22161.

(49 U.S.C. 1903(a)(2), 1906)

Margaret L. Fisher,

Federal Register Liaison Officer.

March 24, 1980.

[FR Doc. 80–9322 Filed 3–26–80; 8:45 am]

BILLING CODE 4910–58–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards will hold a meeting on April 10–12, 1980, in Room 1046, 1717 H Street,

NW, Washington, DC. Notice of this meeting was published on March 19, 1980 (45 FR 17702).

The agenda for the subject meeting will be as follows:

Thursday, April 10, 1980

8:30 a.m.–9:30 a.m.: Executive Session (Open)—The Committee will hear and discuss the report of the ACRS Chairman regarding miscellaneous matters relating to ACRS activities.

The Committee will hear and discuss the report of its Subcommittee on the proposed NRC "Action Plans for Implementing Recommendations of the President's Commission and Other Studies of the TMI–2 Accident" (NUREG–0660).

9:30 a.m.–12:30 p.m.: Meeting with NRC Staff (Open)—The Committee will hear and discuss proposed NRC plans for implementation of the NRC "Action Plans for Recommendations of the President's Commission and Other Studies of the TMI–2 Accident".

1:30 p.m.–2:30 p.m.: Meeting with NRC Staff (Open)—The Committee will hear and discuss an interim report regarding procedures for low power testing of the Sequoyah Nuclear Power Plant, Unit 1.

2:30 p.m.–3:15 p.m.: Executive Session (Open)—The Committee will hear and discuss the report of its Subcommittee and consultants who may be present regarding proposed modifications of nuclear power plants to resolve questions related to anticipated transients without scram (ATWS).

Portions of this session will be closed as necessary to discuss Proprietary Information related to this matter.

3:15 p.m.–6:30 p.m.: Meeting with NRC Staff (Open)—The Committee will hear and discuss presentations from members of the NRC Staff and representatives of the nuclear industry regarding proposed modifications of nuclear power plants to resolve questions related to anticipated transients without scram (ATWS).

Portions of this session will be closed as necessary to discuss Proprietary Information related to this matter.

6:30 p.m.–6:45 p.m.: Executive Session (Open)—The Committee will hear and discuss the report of its Subcommittee regarding a proposed nuclear data link system.

6:45 p.m.–7:30 p.m.: Meeting with NRC Staff (Open)—The Committee will hear and discuss a report from members of the NRC Staff regarding proposed installation and use of a nuclear data link system.

Friday, April 11, 1980

8:30 a.m.–9:00 a.m.: Executive Session (Open)—The Committee will hear and discuss the report of its Subcommittee and consultants who may be present regarding review of the dynamic response of nuclear steam supply systems with once-through steam generators.

Portions of this session will be closed as required to discuss Proprietary Information related to this matter.

9:00 a.m.–12:00 Noon: Meeting with NRC Staff (Open)—The Committee will hear and discuss a report from representatives of the NRC Staff and comments from representatives of the nuclear industry who may be present regarding the dynamic response of nuclear steam supply systems with once-through steam generators.

Portions of this session will be closed as necessary to discuss Proprietary Information related to this matter.

The Committee will also discuss with members of the NRC Staff the schedule for anticipated Committee activities.

1:00 p.m.–2:00 p.m.: Meeting with NRC Chairman (Open)—The Committee will meet with NRC Chairman John F. Ahearne and other NRC Commissioners who may be present to discuss ACRS review of the proposed NRC Action Plans and other matters related to the accident at TMI–2.

2:00 p.m.–4:30 p.m.: Executive Session (Open)—The Committee will hear and discuss the report of its Subcommittee and consultants who may be present regarding proposed changes in 10 CFR Part 50, Appendix K, ECCS evaluation models and will discuss a proposed response to a member of the Nuclear Regulatory Commission providing clarification of the ACRS report of December 18, 1980 regarding the pause in licensing of nuclear facilities.

4:30 p.m.–6:30 p.m.: Meeting with NRC Staff (Open)—The Committee will hear and discuss a report from representatives of the NRC Staff and representatives of the nuclear industry who may be present regarding proposed changes in 10 CFR Part 50, Appendix K, ECCS evaluation models.

Saturday, April 12, 1980

8:30 a.m.–4:00 p.m.: Executive Session (Open)—The Committee will complete discussion of and prepare its reports to the NRC regarding matters considered during this meeting. In addition, the Committee will complete preparation of reports to the NRC regarding clarification of its report dated December 18, 1979 regarding the pause in licensing of nuclear facilities and the conceptual design of a core ladle for the Floating Nuclear Plant.

The Committee will hear and discuss reports/comments of subcommittees and members regarding a number of safety related items such as the reduction in the departure from nucleate boiling ratio (DNBR) for Combustion Engineering, Inc. nuclear steam supply systems; proposed changes in NRC Regulatory Guides; and miscellaneous Committee activities.

Procedures for the conduct of and participation in ACRS meetings were published in the Federal Register on October 1, 1979 (44 FR 56408). In accordance with these procedures, 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 Committee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by a telephone call to the ACRS Executive Director (R. F. Fraley) prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

I have determined in accordance with Subsection 10(d) Pub. L. 92–463 that it is necessary to close portions of this meeting as noted above to protect Proprietary Information (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 therefor can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley (telephone 202/634–3265), between 8:15 a.m. and 5:00 p.m. EST.

Dated: March 21, 1980.

John C. Hoyle,

Advisory Committee Managment Officer.

[FR Doc. 80-9283 Filed 3-26-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-255]

Consumers Power Co.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 55 to Provisional Operating License No. DPR-20, issued to Consumers Power Company (the licensee), which revised the Technical Specifications for operation of the Palisades Plant (the facility) located in Covert Township, Van Buren County, Michigan. The amendment is effective as of its date of issuance.

The amendment changes the Technical Specifications to conform the operating limits to the requirements of 10 CFR Part 50, Appendix G for operation to 5.5×10^6 MWdt.

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 action 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 July 2, 1979, and supplement thereto dated November 6, 1979, (2) Amendment No. 55 to License No. DPR-20, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Michigan 49006. 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 6th day of March, 1980.

For the Nuclear Regulatory Commission.

Thomas V. Wambach,

Acting Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc. 80-9282 Filed 3-26-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-251]

Florida Power & Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 44 to Facility Operating License No. DPR-41 issued to Florida Power and Light Company (the licensee), which revised Technical Specifications for operation of the Turkey Point Nuclear Generating, Unit No. 4 (the facility), located in the Dade County, Florida. The amendment is effective as of the date of issuance.

The amendment permits continued operation of the Turkey Point Plant, Unit No. 4 for an additional four equivalent full power weeks from that authorized by Amendment No. 43 dated December 14, 1979 for a total of eight equivalent full power months and four equivalent full power weeks from June 1, 1979 but not later than Apirl 1, 1980, at which time the steam generators shall be inspected.

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 this 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 23, 1980 supplemented February 1 and February 14, 1980, (2) Amendment No. 44 to License No. DPR-41, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199. 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 22nd day of February, 1980.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 80-9280 Filed 3-26-80; 8:45 am]

BILLING CODE 7590-01-M

[NUREG-0460, Vol. 4]

Issuance and Availability Staff Position on ATWS Requirements

The NRC staff has prepared a report entitled, "Anticipated Transients Without Scram for Light Water Reactors" NUREG-0460, Volume 4, dated March 1980. The report provides staff's requirements for resolution of the NRC's Generic Technical Activity A-9, "Anticipated Transients Without Scram" pursuant to Section 210 of the Energy Reorganization Act of 1974.

This is the fourth volume of the NRC staff's review of anticipated transients without scram (ATWS). It contains the proposed resolution of this unresolved safety issue (TAP A-9) in the form of requirements recommended to be imposed on licensees and applicants. A phased approach is used: near-term improvements in safety, both hardware and procedural, are required over the next 1-2 years to provide an expeditious safety increment. Later, more extensive requirements will be imposed on some plants, but the implementation of these major hardware changes may be stretched out to accommodate equipment acquisition and plant refueling schedules. This delay is intended to allow the changes to be accomplished with minimum disruption and downtime, thus with minimum expense consistent with the level of safety to be achieved.

By comparison with our previous recommendation in Volume 3 of NUREG-0460, our present recommendation is more extensive for operating plants, which previously were not to be required to implement the long-term major improvements. The reason for this change is the failure of the program required of industry by the staff that was intended to achieve early generic verification of the adequacy of Alternative 3 modifications. This has not, in the opinion of the staff, been demonstrated over the lifetime of the

approximately 100 plants originally proposed for Alternative 3.

Accordingly, we have instituted a phased program, requiring the implementation of "Alternative 3A" promptly (in the next 1–2 years) and "Alternative 4A" by 1984. This provides for (1) prompt implementation of significant safety improvements that are cost-effective to implement promptly, plus (2) major additional improvements that we judge to be needed for safety adequacy over the lifetime of many plants. Alternatives 3A and 4A, are modifications of Alternatives 3 and 4 from Volume 3 of NUREG–0460, with the changes reflecting the additional information now available.

Public comments are being solicited from interested organizations, groups and individuals. The staff will evaluate the comments received and, if needed, will issue a supplement or revision to NUREG–0460, Vol. 4. The staff intends to propose its recommendations to the Commission in May 1980.

Copies of the report will be available after March 25, 1980. Copies will be sent directly to utilities, utility industry groups and associations and environmental and public interest groups. Other copies will be available for review at the NRC Public Document Room, 1717 H Street, NW, Washington, DC. Copies will also be available for purchase from the GPO Sales Program, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Comments should be forwarded to Mr. Ashok Thadani, Reactor Systems Branch, Nuclear Regulatory Commission, Washington, DC 20555, by May 15, 1980.

Dated at Bethesda, Md., this 19th day of March, 1980.

For the Nuclear Regulatory Commission.

M. B. Aycock,

Deputy Director, Unresolved Safety Issues Program.

[FR Doc. 80-9281 Filed 3-26-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. PRM-2-5]

State of New Hampshire; Denial of Petition for Rulemaking

Notice is hereby give that the Nuclear Regulatory Commission has denied a petition for rulemaking submitted by the State of New Hampshire through its Office of the Attorney General by letter dated October 31, 1978. The petition requested the Nuclear Regulatory Commission to conduct a joint proceeding with the Council on Environmental Quality, Enviornmental Protection Agency, Secretary of the Army, Secretary of the Interior, Secretary of State and Secretary of Transportation to adopt rules designed to achieve efficiency in the grant or denial of all licenses required for the construction and operation of nuclear power facilities. In its letter, the petitioner also identified sixteen specific objectives or "results" which it sought to achieve. A summary of each "result," associated public comments, and the NRC response are set out in Appendix A to this notice.

A notice of the filing of the petition requesting comments by January 29, 1979, was published in the **Federal Register** on November 30, 1978 (43 FR 56110–56111). On February 1, 1979, in response to a request from the firm of Debevoise and Liberman for additional comment time, a second notice was published in the **Federal Register** (44 FR 6532) extending the initial comment period to February 28, 1979.

Eleven letters of public comment were received. Of these, six supported the primary objective of the petition—establishment of an interagency group to review and make recommendations to improve the efficiency of the NRC process for licensing nuclear power plants. Four commenters opposed the petition, and one, the Council on Environmental Quality, expressed no views on the merits of the petition.

Three of the commenters who supported the petition either opposed or had reservations about many of the specific objectives sought by the petitioner. The other three commenters who supported the petition expressed no views on the specific items of relief requested by the State of New Hampshire.

Of the four commenters who opposed the petition, one requested that the petition be dismissed for failing to meet minimal requirements for a rule making petition as set out in 10 CFR 2.802. A second, the United States Coast Guard, Department of Transportation, pointed out that the current Memorandum of Understanding between the Coast Guard and the Nuclear Regulatory Commission already contains procedures for consolidating and minimizing duplication in proceedings for issuance of necessary certifications and licenses for floating nuclear power plants, that Coast Guard involvement in the licensing of shoreside nuclear facilities is minimal and can be handled satisfactorily on a case-by-case basis and that accordingly formal joint procedures are unnecessary. The other two commenters who opposed the petition favored two of the petitioner's suggestions but recommended that the petitioner's remaining proposals be denied.

The Nuclear Regulatory Commission shares the concern of the State of New Hampshire regarding the need for efficiency in the licensing process. At the same time, the Commission recognizes that the primary purpose of that process is to assure adequate protection of the public health and safety.

In order to improve coordination among Federal agencies with related regulatory responsibilities and to avoid conflicting standards and unnecessary duplication of effort, the Commission has entered into separate memoranda of understanding with the Environmental Protection Agency,[1] the Department of Transportation,[2] the United States Coast Guard,[3] and the Corps of Engineers of the United States Army.[4] The memoranda of understanding identify the overlapping statutory responsibilities of each participating agency, describe how each agency expects to carry out its responsibilities, and specify how the participating agencies will consult and cooperate with one another.

Although improving the licensing process is a matter of continuing Commission concern, recent events at Three Mile Island Unit 2 have made it necessary for the Commission to reorder its priorities. The Commission has committed a significant portion of its staff and resources to direct support of TMI–2 cleanup and recovery operations and to a review and evaluation of lessons learned. Although the results of these efforts cannot yet be fully known, additional recommendations for changes in licensing requirements and licensing procedures are quite likely to result.

The Commission notes that some of the petitioner's objectives can be

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[1] AEC–EPA Memorandum of Understanding with Respect to AEC-Licensed Facilities, effective August, 1973, 38 FR 24936, September 11, 1973.

Second Memorandum of Understanding and Policy Statement Regarding Implementation of Certain NRC and EPA Responsibilities, Under the Federal Water Pollution Control Act Amendments of 1972 and the National Environmental Policy Act of 1969, as amended, effective January 30, 1976, 40 FR 60115, December 31, 1975.

[2] Memorandum of Understanding between the Department of Transportation and the Nuclear Regulatory Commission regarding the roles of DOT and NRC in the regulation of the transportation of radioactive materials, effective June 8, 1979, 44 FR 38690–38692, July 2, 1979.

[3] Memorandum of Understanding Between the United States Coast Guard and the United States Atomic Energy Commission for Regulation of Floating Nuclear Power Plants, effective January 4, 1974, 39 FR 2124, January 17, 1974.

[4] Memorandum of Understanding Between the Corps of Engineers, United States Army, and the United States Nuclear Regulatory Commission for Regulation of Nuclear Power Plants, effective July 2, 1975, 40 FR 37110, August 25, 1975.

achieved under NRC's existing regulations and memoranda of understanding, while others may be adequately accomodated under the new regulations promulgated by the Council on Environmental Quality (43 FR 55978–56007, November 29, 1978). The CEQ regulations, for example, contain several specific provisions[5] which would facilitate the Federal permitting process for energy facilities, including nuclear power reactors.

In view of the foregoing, the Nuclear Regulatory Commission hereby denies the petition for rulemaking filed by the State of new Hampshire on October 31, 1978. Copies of the petition for rulemaking, comments received and the NRC's letter of denial are available for public inspection in the NRC's Public Document Room at 1717 H Street, NW., Washington, D.C.

Dated at Washington, D.C., this 21st day of March 1980.

For the U.S. Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

Appendix A—Docket No. PRM–2–5, State of New Hampshire—Summary of Public Comments and NRC Response

Item 1

Designation of NRC as sole depository for all applications for all licenses or other federal authorizations required for construction and operation of nuclear power facilities, and all documents related to such applications.

Public Comment

Two commenters favored and two opposed this proposal. One supporter of the concept noted that legislation would be required and recommended that the requisite authority be included in any proposed licensing legislation. Opponents of the proposal pointed out that the NRC lacked authority to resolve issues raised in connection with authorizations from other Federal agencies, that it was essential that applications be filed with the Federal agency with jurisdiction to act upon them, and that using NRC as a paper drop would not enhance the decisionmaking process. One opponent of the proposal recommended instead that a file containing all documents relating to a nuclear power plant be placed in a local library within 20 miles of the plant site.

NRC Response

Designating NRC as the sole depository for all applications for all licenses and other federal authorizations required for the construction and operation of nuclear facilities and all documents related to such applications will not change the authority and jurisdiction of Federal agencies who have legal responsibility for granting or denying those licenses and authorizations. The proposal will not improve the decisionmaking process in any significant way because it will still be necessary for applicants to file applications directly with the Federal agency with jurisdication to act upon them. The Commission opposes Item 1.

Item 2

The conduct of a single, joint, consolidated hearing on such applications for all agencies involved, including the compilation of a single record, when a hearing is required; the "hearing" to include all processing of an application on and after its filing.

Public Comment

Three commenters favored and three opposed this proposal. Two commenters who supported the basic concept recognized that it presented serious practical difficulties from the standpoint of implementation. The third commenter stated that implementing legislation would be required and recommended that the necessary authority be included in any proposed licensing legislation.

Two opponents of the proposal noted that it presented great practical difficulties. One opponent pointed out that it was of limited value from the standpoint of increased efficiency because the use of a single forum would mean that issues would be considered consecutively instead of concurrently in parallel proceedings. One opponent acknowledged that the present hearing process was too fragmented but characterized the solution proposed by the State of New Hampshire as both inappropriate and detrimental. The commenter opposed the New Hampshire proposal because it would single out nuclear projects for a special kind of environmental review—the commenter stated that nuclear projects should not be treated differently from other types of major federal projects. The commenter also opposed the proposal because it believed it would dilute agency responsibility. The commenter noted that the respective responsibilities of the agencies who would be participating in a joint hearing would not be identical and that the better approach from the standpoint of unbiased administration of the law would be for each agency to act separately in applying its particular requirements. The commenter noted that the possible benefits of joint examination of projects are already achieved in the NEPA process through Federal agency comments on draft environmental impact statements and that the petitioner's goal might be better achieved if NRC's own hearing process were less fragmented, for example, by making more comprehensive safety determinations during the construction permit stage of the proceeding and leaving fewer safety issues to be resolved at the operating license stage. The commenter acknowledged that the creation of a common record documenting resolution of agency comments could provide some public benefits and suggested that special joint public hearings might be useful in resolving major areas of conflict among or between agencies.

NRC Response

The NRC has adequate authority under its existing rules to conduct joint consolidated hearings with States or other Federal agencies. (See 10 CFR 2.716 and 2.402. See also 10 CFR 2.715 with respect to participation of States and local governments in NRC proceedings.) The NEPA process also provides mechanisms, such as the scoping process and the opportunity to comment on draft environmental impact statements, which encourage joint review of proposed nuclear power projects and can be used to coordinate and resolve the concerns of affected Federal agencies. In theory, the so-called one-stop hearing concept appears attractive. In practice, it presents difficulties, both substantive and procedural, arising primarily with respect to the development and use of a common record by separate decisionmakers charged by statute with independent responsibilities for resolving particular issues. In those instances in which decisions can be based on a common body of evidence, use of a single forum may well increase the efficiency of the licensing process since it will eliminate the need to present the same material in two separate forums. Where decisions cannot be made on a common body of evidence, a requirement to conduct a single, joint consolidated hearing may prove counterproductive and tend to complicate the licensing process. In the opinion of the Commission, the present system, under which the NRC, may, as a

[5] These provisions include: All permits identified early. All agencies with authority over a project required to consult early and work with the lead agency. All agencies to develop procedures to aid applicants. Avoidance of delay. Time limits on NEPA process must be set at applicant's request. All reviews to be prepared concurrently rather than consecutively. All information or mitigation that will be necessary to approve the project to be identified early. Elimination of duplication in EIS preparation.

matter of discretion, hold joint consolidated hearings in selected proceedings chosen on a case-by-case basis, should be retained.

Item 3

Establishment of a joint decisionmaking procedure to be employed after compilation of a record in which all involved agencies will participate and render a joint decision disposing of all issues raised, specifying all limitations on conduct of applicant and specifying all design changes required of applicant to accommodate needs of all agencies involved in the licensing process.

Public Comment

Three commenters favored the basic concept but expressed reservations concerning the extent to which it would be consistent with agencies' statutory mandates. One commenter stated that implementing legislation would be needed and requested that the necessary authority be included in any proposed licensing legislation.

One commenter noted the practical drawbacks involved in a joint decisionmaking procedure but pointed out that the overall result could prove beneficial in that it would limit construction starts to plants in which all systems have a certified design, thereby alleviating the risk to the public health and safety occasioned by the operation of an improperly designed plant.

One commenter stated that the proposal would violate the independence of the Nuclear Regulatory Commission and other Federal agencies and expressed the view that a procedure in which coordinated decisions occur in logical order makes better sense.

NRC Response

The Commission supports retention of the present system for reasons discussed in connection with Item 2.

Item 4

Development and publication of more detailed requirements for the form and content of all applications required for the construction and operation of nuclear power facilities.

Public Comment

Four of the five commenters expressed the view that further action on this matter was not needed at the present time. Reference was made to Regulatory Guide 1.70, Standard Format and Content of Safety Analysis Reports for Nuclear Power Plants, LWR Edition, Revision 3, November 1978 now in use.

One commenter who expressed support for the proposal urged that the technical requirements for nuclear power plants be made more specific in terms of results and/or system operability and that these requirements be codified in the Commission's regulations instead of being issued as guidance.

NRC Response

One of the Commission's principal responsibilities is to make sure that applicants provide the information which the Commission needs to make the requisite statutory findings on which the Commission's decision to grant or deny a permit or license must be based. Towards this end, the NRC keeps the form and content of its license and permit applications under continuing review, updating them periodically to assure that needed information is presented in sufficient detail. The NRC also has broad authority under the regulations to require applicants to supply any additional information which may be needed (see 10 CFR 2.102(a)). Because nuclear power plant designs are not fully standardized, it is impracticable to establish more precise information requirements for applications. In the opinion of the Commission, further implementation of Item 4 is impractical and unnecessary.

Item 5

Widest popular notice of tendering and filing of applications required for construction and operation of nuclear power facilities, including personal notice to executive officers of State and local governments, local and regional radio and TV broadcasts and publication of notices in local and regional newspapers.

Public Comment

Although there was general agreement among the six commenters that the public should have early notice of applications to construct and operate nuclear power plants, four commenters expressed the view that the Commission's present regulations are adequate. One commenter stated that any benefits which might result from a broadcasting requirement would be outweighed by the added expense.

One commenter expressed the view that the notice requirements should be more specific, particularly with respect to the use of newspaper ads. Another commenter expressed strong support for the proposal, and urged that it be given retroactive effect in order to provide new opportunities to intervene in all pending construction permit and operating license proceedings.

NRC Response

The Commission's regulations now provide wide notice of the tendering and filing of applications for permits and licenses to construct and operate nuclear power plants. Upon notification that a tendered application is acceptable for docketing, an applicant is required by the Commission's Rules of Practice to serve a copy of the application on the chief executive of the municipality or county in which the facility is to be located and to serve a notice of availability of the application on the chief executives of the municipalities or counties identified in the application or in the environmental report as the location of all or part of the alternative sites. In accordance with instructions from the NRC staff, the applicant is also required to distribute additional copies of the application to Federal, State and other local officials. Labor unions and river basin commissions are routinely informed of all construction permit applications. A copy of each tendered application is also placed in the Commission's public document room at 1717 H Street, NW, Washington, D.C. and in a local public document room near the proposed site.

Following formal docketing of an application, the NRC sends a notice of docketing to the Governor or other appropriate official of the State in which the facility is to be located and publishes the notice in the **Federal Register.**

In the case of applications for which a hearing is required, for example, applications for construction permits for nuclear power plants, a notice of hearing is also issued. The notice of hearing is sent to all parties to the proceeding, to those persons who have received permission to make a limited appearance in the proceeding, to persons who have asked to be notified o the hearing, and to appropriate State and local officials. The notice of hearing is published in the **Federal Register** and in selected newspapers with both statewide and local coverage.

With respect to matters for which a hearing is neither required nor needed in the public interest, a notice of proposed action is issued. This notice, which is also published in the **Federal Register** and in State and local newspapers, offers the applicant and any interested persons an opportunity to request a hearing.

In addition to these notices, NRC headquarters staff issues press releases to the media announcing that an application for a construction permit or an operating license for a nuclear power plant has been tendered or formally

docketed. To assure adequate local coverage, press releases are also issued by the Commission's regional offices. Copies of these releases are routinely sent to local radio and TV stations as well as to newspapers.

In the opinion of the Commission, the NRC's present regulations and practices adequately implement the "results" sought by the State of New Hampshire concerning notice of the tendering and filing of applications.

Item 6

Requirement that involvement in the processing of applications by persons other than the applicant and the licensing agency either be commenced at the outset of the proceeding or not at all.

Public Comment

None of the six commenters who addressed this proposal expressed support for the result sought by the petitioner. All considered the Commission's present regulations for participation in licensing proceedings adequate. Two commenters expressed the view that problems of delay resulting from late-filed petitions could be readily resolved by applying the Commission's existing regulations (10 CFR 2.714(a)(1)) more strictly. Three commenters expressed strong opposition to the proposal because it would eliminate desirable flexibility, compromise due process and have an adverse effect upon the public interest.

NRC Response

The approach recommended by the State of New Hampshire, that persons be barred from participating in a licensing proceeding once such a proceeding has commenced, is overly strict and contrary to the public interest. The Commission has adequate authority under its existing rules of practice (10 CFR 2.714) to limit participation by persons who apply late for permission to intervene. At the same time the rules are sufficiently flexible to assure Commission consideration of any matters necessary to the development of a sound record, including matters whose relevance and importance did not become readily apparent until after the proceeding has commenced.

The Commission opposes adoption of the State of New Hampshire proposal.

Item 7

Requirement that the issues and positions of all involved persons be determined and fixed at an early stage in the processing of license applications.

Public Comment

The consensus of the six commenters who addressed this proposal was that the Commission's existing regulations (10 CFR 2.714) now contain a mechanism which will achieve this result and that further amendments to the regulations are not needed. Two commenters urged that the present requirements for amending contentions be more strictly applied. These same commenters also expressed the view that, contrary to present Commission practice, participation by an intervenor in a hearing should be strictly limited to issues involving contentions which that intervenor raised. One commenter characterized the proposal as vague and impractical and expressed the view that the present deadline for the identification of contentions already occurs too early in the regulatory process. Two commenters noted that the proposal would preclude any subsequent change in position in response to newly discovered evidence, exclude legitimate interests of importance discovered later, and limit the development of a full and complete hearing record.

NRC Response

The Commission's present Rules of Practice both encourage early identification of issues and contentions and permit those issues and contentions to be amended as appropriate to reflect newly discovered evidence (10 CFR 2.714). It has been the experience of the NRC that these procedures provide the degree of flexibility needed to develop an adequate record on the substantive issues which require consideration in a facility licensing proceeding.

In the opinion of the Commission, the NRC's responsibility for protecting the radiological health and safety of the public is not well served by establishing arbitrary time limits which cut short meaningful examination of relevant concerns. The Commission opposes the State of New Hampshire's proposal.

Items 8, 9, and 10

Establishment of a fixed time period for review of and decision on a license application, including establishment of firm deadlines for each stage of licensing process. This authority to set mandatory deadlines would be specifically conditioned to provide an automatic result, favorable to the applicant whenever the agency failed to complete or take appropriate action within the time specified. The authority would also be subject to safeguards which would provide that fixed time periods shall not commence to run until an application, completed in accordance with agency rules, has been filed by the applicant, that the time consumed by the applicant in responding to agency requests for data not be included in such fixed time periods and "that the agencies shall automatically make those findings of fact and conclusions of law necessary to support the granting of licenses to the applicant."

Public Comment

Four of the six commenters who addressed this matter felt that schedules could be helpful in expediting the licensing process. Three commenters also expressed guarded support for the automatic licensing provision. Three commenters were firmly of the opinion that an automatic licensing provision such as that proposed by the State of New Hampshire would be illegal under Federal law, including the Atomic Energy Act and the National Environmental Policy Act.

NRC Response

The Commission is precluded by its organic acts from implementing this result. Unless the Commission is able to make the requisite statutory findings, e.g., that issuance of the license would not be inimical to the common defense and security or to the health and safety of the public (see sec. 103d, Atomic Energy Act of 1954, as amended) it lacks authority to issue a license. These statutory requirements cannot be circumvented by establishing mandatory time schedules in the regulations and providing that licenses will be issued automatically whenever the Commission fails to act within the time specified.

In the opinion of the Commission, the objective sought by the State of New Hampshire is contrary to sound public policy and may in specific instances be unachievable. No agency can automatically guarantee a finding of a specific fact by a specific time. Where questions of public health and safety are concerned, mandatory compliance with time schedules is not an acceptable substitute for reasoned decisionmaking. If the Commission is to carry out its licensing and related regulatory activities in a responsible and effective manner, it must have an adequate opportunity to investigate all matters of concern, old as well as new, those that enhance as well as those that detract from safety. The public health and safety cannot be adequately protected if important substantive issues are subordinate to arbitrary time limits. The Commission opposes these proposals.

Item 11

Requirement that uncontested applications which nevertheless require a hearing be sent directly to the agency head for approval after the applicant and NRC staff have resolved any differences.

Public Comment

This proposal, which would permit the statutory public hearing requirement to be waived under certain circumstances, was opposed by five of the six commenters who addressed it. One commenter supported the proposal, stating that it appeared to be a workable and beneficial suggestion. Three commenters viewed the proposal as contrary to existing law and therefore not a proper subject for rulemaking. (Under section 189a of the Atomic Energy Act of 1954, as amended, the Commission is required to hold hearings on applications for construction permits for utilization and production facilities, including nuclear power reactors, even when an application is uncontested.)

Two commenters expressed the view that the interest of the public would be best served by holding a public hearing in all cases, including those which were uncontested. These commenters urged that a mandatory public hearing be held in connection with each application for an operating license and recommended that public hearings be conducted at or near the plant site.

In the opinion of one commenter, direct referral of uncontested cases to the Commission would not expedite the decisionmaking process but would probably result in additional delay.

NRC Response

Existing law precludes the Commission from waiving the statutory hearing requirement in the case of uncontested applications. Under section 189a of the Atomic Energy Act of 1954, as amended, the Commission is required to hold hearings on applications for construction permits for utilization and production facilities in all cases, including those in which the application is uncontested.

Item 12

Requirement that the Advisory Committee on Reactor Safeguards review applications at the same time as the NRC staff, that the ACRS report its findings by a certain time and that the ACRS not reserve issues for further consideration.

Public Comment

This recommendation was opposed for a variety of reasons by the six commenters who addressed it. Two commenters stated that the ACRS would cease to serve a useful function if it were not allowed to identify unresolved problems and continue working on them. One commenter pointed out that the ACRS and NRC staff reviews are now conducted in parallel, but noted that the parties to a proceeding, including NRC staff, need an opportunity to study the results of the ACRS review prior to the hearing in order to be able to provide constructive comments. Three commenters felt that the parallel review process proposed by the State of New Hampshire would not be beneficial and would result in overlap and duplication of effort. Two commenters stated that ACRS review should be strictly limited to reactor safety matters, the ACRS area of expertise. One commenter suggested that ACRS resources would be better utilized in reviewing the applicant and staff effort.

NRC Response

The Advisory Committee on Reactor Safeguards is a panel of independent advisors established by law to review and report to the Nuclear Regulatory Commission on safety studies and on construction permit and operating license applications for nuclear power reactors and other major nuclear facilities. The Committee also provides advice to the Commission on a wide range of safety-related matters such as the adequacy of proposed reactor safety standards, reactor safety research, specific technical issues of a topical nature, and the safety of operating reactors. The Committee's functions were enlarged by Pub. L. 95–209 which added the requirement for Committee review of the NRC's Reactor Safety Research Program and an annual report to the Congress concerning the adequacy of the program. In addition, upon request by the Department of Energy (DOE), the Committee reviews and provides reports with regard to the possible hazards of DOE nuclear activities and facilities. The Committee may also on its own initiative conduct reviews of specific safety-related items.

The Commission opposes those portions of Item 12 which would require the ACRS to report its findings by a time certain and prohibit the ACRS from reserving issues for further consideration. These requirements trench upon the Committee's independence and are inconsistent with its statutory responsibilities.

Under the Commission's present licensing procedures, the NRC staff and the Advisory Committee on Reactor Safeguards now conduct parallel reviews of license applications.

Item 13

Prohibition against sending a contested application back to the NRC staff after it has been referred to an administrative law judge or Atomic Safety and Licensing Board for initial decision and requirement that any supplementary information be submitted directly to the presiding officer and evaluated in the initial decision.

Public Comment

Four commenters addressed this proposal. Two commenters considered the proposal well-founded and likely to improve the efficiency of the licensing process. These commenters noted that the Commission's regulations now provide such procedures with respect to environmental matters and that these procedures have been approved by the courts. However, these same commenters were also of the opinion that presiding officers should have discretion to refer an application back to the NRC staff for further supplementation and analysis whenever such referral seems necessary.

Two commenters opposed the proposal on the ground that it might prevent presiding officers from obtaining additional needed information. One commenter questioned the reason for New Hampshire's concern, noting that presiding officers are now required to evaluate all data and that referral back to the NRC staff only occurs after a remand.

NRC Response

The Commission opposes this proposal because it is unnecessary, lacks needed flexibility, and reflects a lack of understanding of the Commission's licensing procedures. Under existing Commission practice, once a proceeding has commenced [1] all data and information relating to the application is submitted to the presiding officer. The presiding officer is responsible for conducting a fair and impartial hearing, taking appropriate actions to avoid delay, and maintaining order. He is authorized, among other things, to rule on offers of proof, receive evidence, examine witnesses, reopen the proceeding for the reception of further evidence at any time prior to initial decision and to issue an initial decision (10 CFR 2.718.) In connection with his authority to receive and evaluate evidence, the presiding officer may request the staff to furnish additional information. Staff responses to these

[1] The Commission's rules of practice state that a proceeding is deemed to commence when a notice of hearing or a notice of proposed action pursuant to § 2.105 is issued (10 CFR 2.717(a)).

requests are frequently helpful in filling information gaps or in clarifying previously submitted information. In making this request, the presiding officer does not relinquish jurisdiction over the proceeding to the staff, which, throughout the proceeding, retains its status as a party. In each proceeding, the jurisdiction of the presiding officer terminates only upon the expiration of the period within which the Commission may direct that the record be certified to it for final decision, or when the Commission renders a final decision, or when the presiding officer withdraws from the case upon considering himself disqualified, whichever is earliest.

Item 14

Eliminate the Atomic Safety and Licensing Appeal Board.

Public Comment

Three commenters noted that the Commission has this matter under review and declined to provide any substantive comments.

Three commenters opposed this proposal. These commenters pointed out that Commission procedures now permit appropriate cases to be referred directly to the Commission. They also stated that the Appeal Board performs a valuable review function, which includes screening issues for Commission consideration.

NRC Response

Since the Commission has decided to obtain public comment on the "Study of the Nuclear Regulatory Commission's Appellate System," NUREG–0648, prepared by the Office of the General Counsel and published January 1980 (see **Federal Register** notice, 45 FR 6873, January 30, 1980), rulemaking action on this proposal at this time is premature.

Item 15

Authorization for applicants to prepare draft environmental impact statements based on their environmental reports and any comments and data submitted thereon, and authorization for agency staff, after evaluation and opportunity to make any desired changes, to adopt and issue the draft environmental impact statement prepared by the applicant as its own. The authorization would further provide that if the agency staff fails to issue a draft environmental impact statement by a date certain, the draft statement prepared by the applicant shall be circulated as the staff's draft environmental impact statement.

Public Comment

This proposal found no support. Five commenters opposed the proposal as contrary to law and beyond the scope of NRC's authority. These commenters pointed out that the National Environmental Policy Act of 1969, as amended, places responsibility for preparation of environmental impact statements on Federal agencies, not on applicants. One commenter recommended that the NRC staff establish time schedules for the preparation of environmental impact statements.

NRC Response

The Commission opposes Item 15. The National Environmental Policy Act of 1969, as amended, requires Federal agencies to prepare and issue environmental impact statements (NEPA, sec. 102(2)(C)). While Federal agencies may obtain needed environmental information from various sources, including applicants, the agency is responsible for independently evaluating any information which it uses.

The Commission's proposed revision of 10 CFR Part 51 addresses this matter affirmatively in § 51.41 which provides that the Commission will evaluate information submitted by applicants independently and that the Commission will be responsible for any information which it uses. The regulations of the Council on Environmental Quality published November 29, 1978 contain a similar provision (see 40 CFR 1506.5.)

Item 16

Requirement that final environmental impact statements be completed by a date certain, that applicants be expressly authorized to apply for a court order compelling issuance of a final environmental impact statement by a time certain and that no opposition to such an order be permitted.

Public Comment

This proposal, which was addressed by six commenters, did not receive support. Three commenters opposed the recommendation as contrary to law. Three commenters questioned the usefulness of the proposal, pointing out that delays in the preparation and issuance of final environmental impact statements are not critical from the standpoint of the NRC's licensing process and do not significantly increase the time required to review a license application and issue a decision. These commenters indicated that instructions from Licensing Boards requring NRC staff to prepare supplements to final environmental impact statements are more likely to cause delay. Two commenters felt that the establishment of time schedules would be helpful.

NRC Response

The Commission opposes this proposal. While the use of time schedules is frequently helpful in eliminating unnecessary delay—§ 51.14 of the Commission's proposed revision of 10 CFR Part 51 requires NRC staff, when requested, to establish time schedules for all or any constituent part of the NRC staff NEPA process—a requirement that final environmental impact statements be issued on a date certain and that this requirement be enforced by judicial order to which no objection can be made is arbitrary and unreasonable. The proposal ignores the wide variations among environmental impact statements in terms of scope and degree of detail and places procedure ahead of substance. The Commission notes in passing that the timing of the issuance of final environmental impact statements has seldom been a factor in delaying licensing proceedings.

[FR Doc. 80-9279 Filed 3-26-80; 8:45 am]
BILLING CODE 7590-01-M

Availability of Environmental Assessment for Decontamination of the Three Mile Island Unit 2 Reactor Building Atmosphere

Pursuant to the National Environmental Policy Act and the U.S. Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a draft NRC staff report entitled "Environmental Assessment for Decontamination of Three Mile Island Unit 2 Reactor Building Atmosphere" (NUREG–0662) prepared by the Commission's Office of Nuclear Reactor Regulation related to the decontamination of the reactor building atmosphere at the Three Mile Island Nuclear Station Unit No. 2 is available for comment. This Assessment considers five alternative methods for decontaminating the reactor building atmosphere and recommends that the building atmosphere be decontaminated by purging to the environment through the building's hydrogen control system. Based on its estimate of doses to the public from releases during the decontamination of the reactor building atmosphere by purging through the hydrogen control system, and its estimate of occupational dose, it was concluded that this action does not constitute a significant environmental impact and, accordingly, the staff does

not propose to prepare a separate Environmental Impact Statement on this action.

The Assessment is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the TMI–2 Local Public Document Room at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126. Copies of the Assessment have been circulated for comment to other federal agencies, to the Commonwealth of Pennsylvania and to local and municipal governments in the Three Mile Island area. Comments are due by April 11, 1980.

An Addendum to the Environmental Assessment (NUREG–0662, Add 1) referencing studies that have been done on the issue of psychological stress in being issued on March 26, 1980 for comment. Comments on the Addendum are also due by April 11, 1980.

Requests for single copies of the Assessment and the Addendum should be addressed in writing to Director, Division of Technical Information and Document Control, U.S. Nuclear Requlatory Commission, Washington, D.C. 20555. Comments on the Assessment and the Addendum should be addressed to the attention of Richard H. Vollmer, Director, Three Mile Island Support, NRR, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. After analysis of the comments, the staff will update the Environmental Assessment and brief the Commission. The Commission will then determine the appropriate action to be taken.

Dated at Bethesda, Maryland, this 25th day of March 1980.

For the Nuclear Regulatory Commission.

Richard H. Vollmer,

Director, Three Mile Island Support.

[FR Doc. 80-9546 Filed 3-26-80; 10:03 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

March 24, 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 predicatable 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

Forest Service
Social Impact Assessment-Mark Twain N.F.
Single Time
Visitor/Users of Mark Twain N.F. 550 responses; 181 Hours
Charles A. Ellett, 395–5080

Revisions

Agricultural Stabilization and Conservation Service
Acreages, Production Record, Certification of and Disposition
ASCS–658 & 658–1
Annually
Warehouse Person, Farm Operators, Buyer or Handler 505,000 Responses; 101,000 Hours
Charles A. Ellett, 395–5080

Agricultural Stabilization and Conservation Service
Request for long-term agreement
FIP–11
On occasion
Farm operators 104 responses; 34 hours
Charles A. Ellett, 395–5080

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—377–3627

New Forms

Industry and Trade Administration
Foundry equipment and supplies
ITA–9037
Single time
Producers of foundry equip. & supplies 200 responses; 200 hours
William T. Adams 395–4814

DEPARTMENT OF ENERGY

Agency Clearance Officer—John Gross—633–9770

New Forms

BPA/Utility Residential Weatherization Program
BP–406, schedules A–E
On occasion
Utilities Companies & Residential Households 8,640 responses; 61,814 hours
Jefferson B. Hill, 395–5867

Revisions

Solar Energy Use in Non-residential Buildings
EIA–0700
On occasion
Owners of new building projects using solar energy, 150 responses; 75 hours
Jefferson B. Hill, 395–5867

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Agency Clearance Officer—Joseph J. Strand—245–6511

New Forms

Social Security Administration
State's Quarterly Reconciliation of Contributions Paid
SSA–4478
Quarterly
State agencies that administer social security funds, 456 responses; 76 hours
Barbara F. Young, 395–6132

Revisions

Health Care Financing Administration (Departmental)
PSRO Grant Application and Instructions
HCFA–95–98, 103–109, & 174
Annually
Organ. Requesting conditional PSRO grants, 195 responses; 39,000 hours
Richard Eisinger, 395–3214

Social Security Administration
Study of Long-Term Disability Income Protection in Private Industry
SSA–4669
Single time
Priv. employers & their pension plan admin., 150 responses; 100 hours
Barbara F. Young, 395–6132

Extensions

Social Security Administration
Evaluation and Measurement System (EMS) Questionnaire—
Retirement Survivors Disability Insurance (RSDU)
SSA–1398–F7
On occasion
Monthly samp of orig adjud RSDI appl within each samp mo., 9,000 responses; 6,000 hours
Barbara F. Young, 395–6132

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—755–5184

New Forms

Policy Development and Research
Household for a Study of Housing Condition and Rehabilitation Need
Single time
Households in Boston SMSA containing 1–4 units, 300 responses; 225 hours
Richard Sheppard, 395–3211

DEPARTMENT OF THE INTERIOR

Agency Clearance Officer—William L. Carpenter—343–6716

New Forms

Bureau of Land Management
Grazing Application—Authorized Representative
4130–1C
Annually
Livestock operators authorized representative, 2,000 responses; 333 hours
Charles A. Ellett, 395–5080

Bureau of Land Management
Grazing Application—Preference Summary and Transfer
4130–1A
Annually
Livestock operators summary & transfer, 5,000 responses; 1,250 hours
Charles A. Ellett, 395–5080

New Forms

Bureau of Land Management
Grazing Application—Supplemental Information
4130–1B
Annually
Livestock operators supplemental information 5,000 responses; 1,250 hours
Charles A. Ellett, 395–5080

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—523–6341

New Forms

Employment and Training Administration
CETA Functional Management Information System
ETA–RC31
Other (See–SF–83)
CETA prime sponsors
Arnold Strasser, 395–5080

Extensions

Occupational Safety and Health Administration
Material Safety Data Sheet
OSHA–20
Other (See SF–83)
Shipbuilders & repairers, 2,500 responses; 5,000 hours
Arnold Strasser, 395–5080

COMMUNITY SERVICES ADMINISTRATION

Agency Clearance Officer—Jack Stoehr—254–5300

Revisions

ECAP Reporting Requirements
Monthly
State government agencies, 255 responses; 255 hours
Arnold Strasser, 395–5080

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—Paul Elston—755–2744

New Forms

Resource Conservation and Recovery Act: Section 3004 Reporting and Recordkeeping Requirements
Annually
Treatment, storage, & disposal facilities, 2,098,300 responses; 5,287,800 hours
Edward H. Clarke, 395–5867

Equal Employment Opportunity Commission

Agency Clearance Officer—Thomas P. Goggin—634–6983

Extensions

Higher Education Staff Information (EEO–6)
EEOC–221
On occasion
Institutions of Higher Education, 3,000 responses; 15,000 hours
Laverne V. Collins, 395–3214

Executive Office of the President, Other

Agency Clearance Officer—Roy A. Nierenberg—456–6286

Revisions

Council on Wage and Price Stability
Report on Company Organization—(Price) ⊖
CO–1 (Price)
Single time
Large companies, private sector, 2,500 responses; 7,500 hours
Warren Topelius, 395–3211

Report on Prices, Sales, and Profits for Second Program
Year
PM–1
Quarterly
Largest non-financial corporations, 12,000 responses, 180,000 hours
Warren Topelius, 395–3211

National Endowment for the Arts

Agency Clearance Officer—Paul G. Zarbock—634–6160

New Forms

Questionnaire for Crafts-Artists Survey

Single time
Crafts artists who are members of crafts organ, 4,153 responses; 2,077 hours
Laverne V. Collins, 395–3214

National Science Foundation

Agency Clearance Officer—Herman Fleming—634–4070

New Forms

Atomic and Molecular Science Survey (CAMS–NRC)
Single time
Atomic & Molecular scientists, 4,366 responses; 730 hours
Off. of Federal Statistical Policy & Standard, 673–7974

United States International Trade Commission

Agency Clearance Officer—Charles Ervin—523–0267

New Forms

Importers' Questionnaire for 701–TA–51—Butter Cookies [1]
Single time
Importers of butter cookies, 50 responses; 400 hours
Phillip T. Balazs, 395–4814

Questionnaire for Importers of Canned Hams [1]
Single time
Importers of canned hams, 15 responses; 120 hours
Phillip T. Balazs, 395–4814

Producers' Questionnaire for 701–TA–51—Butter Cookies [1]
Single time
Producers of butter cookies, 40 responses; 320 hours
Phillip T. Balazs, 395–4814

Questionnaire for Producers of Canned Hams [1]
Single time
Producers of canned hams, 40 responses; 320 hours
Phillip T. Balazs, 395–4814.

David L. Leuthold,
Budget and Management Officer.

[FR Doc. 80–9367 Filed 3–26–80; 8:45 am]
BILLING CODE 3110–01–M

[1] These reports will be acted on before normal 10-day period. The clearance of these questionnaires on an expedited basis is necessary in order for the International Trade Commission to complete its investigation concerning these products within the statutory time limits.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 11094; 812–4535]

Banque Européenne de Credit S.A. and BEC Finance N.V.; Application for an Order Exempting Applicants From All Provisions of the Act

March 20, 1980.

Notice is hereby given that Banque Europeenne de Credit S.A. ("BEC") and BEC Finance N.V. ("BEC Finance," together with BEC, "Applicants"), c/o Peter H. Darrow, Esq., Cleary, Gottlieb, Steen & Hamilton, 1 State Street Plaza, New York, New York 10004, filed an application on September 10 1979, and an amendment thereto on February 28, 1980, for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), exempting Applicants from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants represent that BEC is a joint venture commercial bank whose seven shareholders are among the largest European commercial banks. They further represent that at December 31, 1978, BEC had total assets of approximately $3.098 billion and capital reserves of $130 million. (All dollar amounts are computed using the exchange rate as of December 29, 1978 of 29.29 Belgian Francs per United States dollar.) The application states that BEC's principal office is located at Boulevard du Souverain 100, 1170 Brussels, Belgium. Applicants state that BEC Finance, a wholly-owned subsidiary of BEC, was established as a financing vehicle for BEC's activities outside Belgium, where operations through a Dutch subsidiary have enabled BEC to obtain more favorable European withholding tax treatment, and that it has its principal office at 595 Herengracht, 1000 Amsterdam, Netherlands. Applicants represent that the principal area of activity of BEC is short-, medium-, and long-term Eurocurrency lending to major companies and banks; that at year-end 1978, BEC's outstanding short-term credits amounted to approximately 28% of its total assets and its medium- and long-term loans amounted to approximately 61% of its total assets; and that for 1978 interest income from its lending activities amounted to approximately 96% of BEC's gross revenues.

Applicants further represent that at the end of 1978 approximately 3% of BEC's outstanding loans were to Belgian borrowers and 54% were to other Western European borrowers. Applicants state that BEC's lending in North, Central and South America has expanded recently as a result of the growing activities of its customers there.

According to the application, BEC's sources of financing traditionally have consisted in significant part of short- and medium-term Eurocurrency deposits from banks, institutional investors and industrial companies, rather than ordinary deposits and that, at December 31, 1978, ordinary deposits equaled approximately 2.7% of total liabilities and equity while funding from banks equaled approximately 89.2% of total liabilities and equity. Applicants state that, on that date, 11.79% of BEC's deposits were from Belgian sources. The application states that BEC does not engage in any securities underwriting or investment advisory services; that its trading activities are confined to trading for its own account in connection with the acquisition or disposition principally of Belgian government securities in accordance with Belgian banking regulation; and that it owns no securities as portfolio investments. It is further represented that BEC maintains no banking branches and has no subsidiaries other than BEC Finance.

Applicants represent that the principal business of BEC Finance has been to act as a financing vehicle for BEC and that BEC Finance has made two offerings of securities, the proceeds of which were relent to BEC for use in its lending operations. Applicants further represent that the proceeds of any borrowings made by BEC Finance will continue to be relent to BEC. It is also represented that BEC Finance does not and will not deal with its rights relating to its loans to BEC nor does it or will it deal with or trade in securities.

Applicants state that BEC's activities are subject to a variety of regulatory measures, principally administered by the Belgian Banking Commission, with which all Belgian banks must be registered, and the Belgian National Bank, which supervises national monetary and credit policies. According to the application, the Banking Commission is authorized to issue regulations concerning the solvency and liquidity of banks and has introduced capital adequacy tests which must be observed by Belgian banks in their financial operations. Applicants represent that the Banking Commission's regulations apply to BEC as extensively as to banks which conduct their business principally within Belgium. The application also states that

banks are required to file monthly reports containing detailed financial information prepared according to accounting rules approved by the Banking Commission. Applicants represent that the authority of the Banking Commission was obtained in connection with the incorporation of BEC Finance and the previous issuance of its debt securities. Applicants state that the external audit of banks is conducted by independent auditors selected from a list of special auditors approved by the Banking Commission and that the auditors conduct a physical examination of BEC's records twice a month and issue a detailed, semiannual report to the Banking Commission. Applicants represent that BEC Finance is subject to regulation by the Dutch central bank and regularly files reports with that body.

Applicants currently propose to have BEC Finance issue and sell in the United States short-term negotiable promissory notes of the type generally referred to as commercial paper (the "Notes"). According to the application, BEC Finance will relend the proceeds of the United States offering to BEC, for use in its lending operations and that payment of the Notes will be unconditionally guaranteed by BEC. The application states that, in the alternative to the above arrangement, BEC may issue the Notes directly if changes in the Belgian tax laws are effected that would eliminate the tax advantages of having BEC Finance issue the Notes.

According to the application, the Notes will be in minimum denominations of $100,000, will rank *pari passu* among themselves and equally with all other unsecured indebtedness issued by BEC or BEC Finance, as the case may be, and will be sold through a major United States commercial paper dealer to traditional types of commercial paper purchasers and will not be offered to the general public. Applicants state that while BEC cannot predict with certainty the aggregate amount of the Notes which will be outstanding, it currently believes that during the first year of sale the aggregate amount of Notes outstanding will average $120 million to $170 million. Applicants undertake to ensure that each dealer in the Notes will provide offerees with a memorandum, updated as necessary, which describes the business of BEC and BEC Finance, contains their financial statements, includes a paragraph describing any material differences between Belgian accounting principles applicable to BEC and generally accepted accounting principles in the United States, and is comparable to memoranda customarily used in offering commercial paper in the United States.

Applicants do not intend to register their offering under the Securities Act of 1933 ("1933 Act"). In this regard, they undertake not to market any Notes prior to receiving an opinion of special United States legal counsel to the effect that, under the circumstances described in the application, the proposed offering of commercial paper is entitled to the exemption from registration requirements contained in Section 3(a)(3) of the 1933 Act. Applicants further undertake that in respect of any future offerings of securities in the United States they will obtain an opinion of legal counsel in the United States as to compliance with, or the availability of an exemption from, the 1933 Act. Applicants do not request Commission review or approval of counsel's opinion letter regarding the availability of an exemption under Section 3(a)(3) of the 1933 Act.

The application contains undertakings that in connection with the sale of the Notes, Applicants will appoint a United States banking institution as authorized issuing agent of the Notes and that, both as to the Notes and any other securities which may be issued in the future, they will authorize such banking institution or the Commission to accept any process served in any state or federal court action by a holder as to any such security. Applicants undertake to accept the jurisdiction of any state or federal court in New York City in respect of any such action and to continue such appointment of an agent for service and such consent to jurisdiction until payment in full of all amounts relating to the respective security. Applicants state that the authorized agent will not be a trustee for the holders of the Notes or otherwise obliged to act for them. Applicants consent that any order granting their application may include the express condition that they comply with the undertaking summarized in this and the prior paragraph. Applicants state that BEC or BEC Finance may offer other debt securities for sale in the United States and that any such securities issued by BEC Finance would be unconditionally guaranteed by BEC. Applicants represent that in connection with any such offering they will cause distribution to offerees of disclosure documents at least as comprehensive as the dealer's memorandum referred to above.

Section 3(a)(3) of the Act defines investment company to mean "any issuer which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis." Applicants state that they may be considered to be investment companies as defined under the Act.

Section 6(c) of the Act provides, in part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provisions of the Act, if and to the extent that such exemption if 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 assert that approval of their application would be appropriate in the public interest for several reasons. They represent that if BEC and BEC Finance were deemed investment companies and if their application were denied, then they would be precluded from publicly offering securities in the United States. Applicants assert that this effect would disadvantage them vis-a-vis the major American banks with which they compete throughout the world. Applicants assert that such inequality of treatment of domestic and foreign banks appears to be inconsistent with the United States public interest regarding equal treatment of foreign and domestic banks in like circumstances, an interest explicitly reinforced by the United States Congress in enacting the International Banking Act of 1978. Finally, Applicants assert that the public interest would be served by permitting the kind of sophisticated United States investors which purchase commercial paper the opportunity to acquire paper issued by BEC and BEC Finance.

Applicants further assert that the requested exemption would be consistent with the protection of investors. Applicants cite as support for this assertion, the extensive regulatory and other measures to which Applicants are subject, the fact that the commercial paper would be short-term and of prime quality and the fact that certain anti-fraud provisions of the federal securities laws will apply to the offering of the Notes.

Applicants also assert that the specific exemption of American commercial banks from the provisions of the Act indicates a Congressional recognition that the dangers to investors to which the Act was directed are not present in the case of commercial banks subject to examination and supervision by banking authorities. Applicants

assert that there are close similarities between BEC and large American banks, that they are subject to substantial and varied regulation, and that the risks to investors in connection with purchases of securities of BEC Finance guaranteed by BEC would not be greater than those in connection with purchases of securities of large domestic banks. Applicants assert that from the point of view of protection of investors, exemption of the Applicants would appear to be as appropriate as the statutory exemption for domestic banks.

Applicants assert that the legislative history of the Act is devoid of any reference to foreign banks. Applicants further assert that the exemptive power of the Commission pursuant to Section 6(c) of the Act was intended to avoid inadvertent imposition of the Act's requirements on "persons who are not within the intent of the [Act]." S. Rep. No. 1775, 76th Cong., 3d Sess. 13 (1940).

Applicants assert that the rationale for granting an exemption under Section 6(c) to BEC applies equally to BEC Finance since the sole business of BEC Finance is and will continue to be to operate as a financing vehicle for BEC. Applicants represent that BEC Finance does not and will not deal with its rights relating to loans to BEC nor will it deal with or trade in securities. They state that in light of the unconditional guaranty of the Notes by BEC, the purchase thereof will be equivalent to the purchase of obligations of BEC.

Notice is further given that any interested person may, not later than April 14, 1980, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the applicant accompanied by a statement as to the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80–9250 Filed 3–26–80; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 11096; 811–2937]

564 Southern Boulevard Corp.; Filing of Application for an Order of the Commission Declaring That Applicant Has Ceased To Be an Investment Company

March 21, 1980.

Notice is hereby given that 564 Southern Boulevard Corporation ("Applicant"), 110 Poplar Drive, Roslyn, New York 11576, registered under the Investment Company Act of 1940 ("Act") as a closed-end, non-diversified, management investment company, filed an application on February 19, 1980, and an amendment thereto on March 6, 1980, pursuant to Section 8(f) of the Act, for an order of the Commission declaring that Applicant has ceased to be an investment company as that term is defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant, a Delaware corporation, registered under the Act on July 3, 1979. Prior to its becoming an investment company Applicant and its subsidiaries had been engaged in the operation of a supermarket chain and a wholesale food packing business under the name E & B Supermarkets, Inc. The application states that on June 30, 1979, Applicant sold substantially all of its assets to MM Supermarkets of New York, Inc. and Tropical Brands Packing Corp. ("Buyer") for $4,239,900, payable partly in cash and partly in 6% installment notes issued by the Buyer due in 1984. The sale of assets of Applicant and certain other transactions incident thereto, including the change of Applicant's name to 564 Southern Boulevard Corporation, were approved by Applicant's shareholders at a special meeting of shareholders held on June 28, 1980.

After the sale of its assets, Applicant on July 27, 1980, made an offer, which expired on January 28, 1980, to purchase its outstanding shares of common stock at the price of $4.20 per share. Of the 1,009,500 common shares then outstanding, held by 418 shareholders, 416,789 shares were tendered pursuant to the offer.

As of the date of the filing of this application the remaining common shares outstanding were held by 68 persons. The application states that Applicant will retain certain assets and continue to engage in business as a personal holding company at least until June 30, 1984, and hold and invest in securities. The assets retained include (1) $24,000 in cash, (2) Joint 6% Non-Negotiable Installment Notes ("Installment Notes") of E&B Supermarkets Merchandise Corporation and Tropical Brands Packing Corporation, due June 27, 1984, in the principal amount of $2,212,000, (3) Recoverable State franchise and local corporation taxes of $455,000, and (4) Prepaid expenses and other current assets of $19,000. As the Installment Notes are repaid and the Tax Refund Claims are received, Applicant intends to reinvest the proceeds in securities to the extent that such funds are not required to meet its debt obligations, liabilities and expenses.

Applicant currently has $9,000 in accrued expenses; it owes a former officer and director of Applicant a balance of $170,000 for 70,000 shares of Applicant's common stock which he tendered pursuant to Applicant's offer to repurchase its outstanding common shares, and Applicant remains contingently liable on certain obligations, principally long-term real estate rental obligations, that were assumed by the Buyer of substantially all of its assets.

Applicant represents that as of the date of the filing of this application the outstanding securities of Applicant are beneficially owned by not more than 100 persons. Applicant also represents that it is not making and does not presently propose to make a public offering of its securities, and that none of its shareholders is a company that owns 10% or more of Applicant's outstanding voting securities. Applicant states that it is not a party to any pending litigation, or administrative proceedings. On the basis of the foregoing information Applicant maintains that it is not an "investment company" as that term is defined in the Act.

Section 3(c)(1) of the Act provides, in pertinent part, that any issuer whose outstanding securities (other than short-term paper) are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its

securities is not an investment company within the meaning of the Act.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company it shall so declare by order and, upon the effectiveness of such order, the registration of such company under the Act shall cease to be in effect.

Notice is further given that any interested person may, not later than April 17, 1980, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such Communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-9249 Filed 3-26-80; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

[Public Notice CM-8/279]

Advisory Committee on International Investment, Technology, and Development; Meeting

The Department of State will hold a meeting on April 28 of the Working Group on Accounting Standards of the Advisory Committee on International Investment, Technology, and Development. The Working Group will meet from 9:30–12:30. The meeting will be held in Room 1408 of the State Department, 2201 C Street, NW., Washington, D.C. 20520. The meeting will be open to the public.

The purpose of the meeting will be to discuss activities in the U.N. and the OECD relating to accounting and reporting standards.

Requests for further information on the meeting should be directed to Richard Kauzlarich, Department of State, Office of Investment Affairs, Bureau of Economic and Business Affairs, Washington, D.C. 20520. He may be reached by telephone on (area code 202) 632–2728.

Members of the public wishing to attend the meeting must contact Mr. Kauzlarich's office in order to arrange entrance to the State Department building.

The Chairman of the working group, will as time permits, entertain oral comments from members of the public attending the meeting.

Dated: March 19, 1980.

Richard D. Kauzlarich,

Executive Secretary.

[FR Doc. 80-9244 Filed 3-26-80; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/280]

Study Groups 10 and 11 of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that Study Groups 10 and 11 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet jointly on April 22, 1980, in Room A110, Federal Communications Commission, 1229 20th Street, N.W., Washington, D.C., at 9:30 a.m.

Study Group 10 deals with questions relating to sound broadcasting; Study Group 11 deals with questions relating to television broadcasting. The purpose of the meeting is to review work under way and work requirements in preparation for the international meetings of Study Groups 10 and 11 scheduled for September/October 1980.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman.

Requests for further information should be directed to Mr. Gordon Huffcutt, State Department, Washington, D.C. 20220, telephone (202) 632–2592.

Dated: March 19, 1980.

Gordon L. Huffcutt,

Chairman, U.S. CCIR National Committee.

[FR Doc. 80-9245 Filed 3-26-80; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF THE TREASURY

Customs Service

Application for Recordation of Trade Name; Houseworks, Ltd.

Application has been filed pursuant to section 133.12, Customs Regulations (19 CFR 133.12), for recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name Houseworks, Ltd. used by Houseworks, Ltd., a corporation organized under the laws of the State of Georgia, located at 3937 Oakcliff Industrial Court, Atlanta, Georgia 30340.

The application states that the trade name is associated with doll house accessories and miniature furniture.

The application states further that various firms located in Canada, England, West Germany, France and Switzerland are authorized to sell merchandise bearing the trade name. Appropriate accompanying papers were submitted with the application.

Before final action is taken on the application, consideration will be given to any relevant data, views, or arguments submitted in writing by any person in opposition to the recordation of this trade name. Any such submission should be addressed to the Commissioner of Customs, Washington, D.C. 20229, in time to be received on or before April 28, 1980.

Notice of the action taken on the application for recordation of the trade name will be published in the **Federal Register.**

Dated: March 19, 1980.

Salvatore E. Caramagno,

Acting Director, Office of Regulations and Rulings.

[FR Doc. 80-9377 Filed 3-26-80; 8:45 am]

BILLING CODE 4810-22-M

[T.D. 80-70]

Recordation of Trade Name; Colt Communications, Inc.

On January 10, 1979, there was published in the **Federal Register** (44 FR 2217) a notice of application for the recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name Colt Communications, Inc. The notice advised that prior to final action on the application, filed pursuant to section

133.12, Customs Regulations (19 CFR 133.12), consideration would be given to relevent data, views, or arguments submitted in opposition to the recordation and received not later than 30 days from the date of publication of the notice.

The name "Colt Communications, Inc." is hereby recorded as the trade name of Colt Communications, Inc. a corporation organized under the laws of the State of Illinois, located at 5424 West Touhy Avenue, Skokie, Illinois 60077, when applied to citizen band two way radio transceivers manufactured in Japan and Korea. No foreign firm is authorized to use the trade name sought to be recorded.

Dated: February 13, 1980.

Harvey B. Fox,

Acting Director, Office of Regulations and Rulings.

[FR Doc. 80-9378 Filed 3-26-80; 8:45 am]

BILLING CODE 4810-22-M

[T.D. 80-92]

Corporate Name Change of a Customs Approved Public Gauger

Notice is hereby given pursuant to the provisions of section 151.43 of the Customs Regulations (19 CFR 151.43) that Superintendence Company, Inc. approved to gauge petroleum products in all Customs districts (see T.D. 73-8) has changed its corporate name to SGS Control Services, Inc.

Dated: March 20, 1980.

Alfred G. Scholle,

Acting Director, Office of Regulations and Rulings.

[FR Doc. 80-9379 Filed 3-26-80; 8:45 am]

BILLING CODE 4810-22-M

[T.D. 80-93]

Customhouse Broker License; Cancellation Without Prejudice of Customhouse Broker License 4825

Notice is hereby given that the Commissioner of Customs, on March 19, 1980, pursuant to section 641, Tariff Act of 1930, as amended (19 CFR 111.51(b)), upon the specific request of Thomas P. Cline, Miami, Florida, cancelled without prejudice individual customhouse broker's license No. 4825 issued to him on September 13, 1973, for the Customs District of Miami, Florida. The Commissioner's decision is effective as of March 19, 1980.

William T. Archey,

Acting Commissioner of Customs.

March 19, 1980.

[FR Doc. 80-9380 Filed 3-26-80; 8:45 am]

BILLING CODE 4810-22-M

Sunshine Act Meetings

Federal Register
Vol. 45, No. 61
Thursday, March 27, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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[M-275, Amdt. 1; Mar. 21, 1980]

CIVIL AERONAUTICS BOARD.

Notice of Addition of Items to the March 25, 1980, Meeting Agenda.

TIME AND DATE: 9:30 a.m., March 25, 1980.

PLACE: Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

11a. IATA Agreements adopted by IATA relating to the Traffic Conferences (BDA).

12a. Dockets 37450, 37478, 37479, 37480, and 37573, Application of United for compensation for losses in providing essential air service at Bakersfield, Modesto, Stockton, and Visalia, California, and Youngstown, Ohio (memo No. 9554, BDA, OCCR, OGC, OC).

15a. Dockets 37260, 37261, and 37262, Ozark Air Lines' notices under section 401(j)(1) to terminate service at Bloomington, Mattoon/Charleston, and Mt. Vernon, Illinois (BDA).

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: Item 11a is being added to the March 25, 1980 agenda in order to have the IATA order voted on as expeditiously as possible. The staff did not receive all comments from various Bureaus by that date and the comments eventually received required additional staff time to redraft certain sections. Item 12a was intended to be placed on the agenda for the meeting scheduled for March 27, but when that meeting was advanced to March 25 the staff was unable to complete the necessary coordination in time to have the item routinely placed on that agenda. Item 15a is being added because Board action is required by March 27 and there will not be another Board meeting prior to that date. Accordingly, the following Members have voted that agency business requires the addition of Items 11a, 12a, and 15a to the March 25, 1980 agenda and that no earlier announcement of these additions was possible:

Chairman, Marvin S. Cohen
Member, Elizabeth E. Bailey
Member, Gloria Schaffer
Member, George A. Dalley

[S-626-80 Filed 3-25-80; 3:28 pm]

BILLING CODE 6320-01-M

2

[M-275, amdt. 2; March 21, 1980]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 9:30 a.m., March 25; 1980.

PLACE: Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

10a. Docket 37020, *Intra-Alaska Service Investigation,* and Docket 36815, *Southwest Alaska Service Investigation* (OGC).

18a. Docket 36530, Trans World Airlines, Inc. Passenger fare overcharges and refunds (memo No. 9158-A BCP).

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: Item 10a. is being added because there are direct exhibits due March 31, 1980. The staff proposal, if adopted, would considerably alter the scope of the proceeding. Item 18a, agreement entered into by BCP and TWA that provides for TWA to pay refunds plus interest to persons charged in excess of TWA's tariffs from Sept. 1 through Sept. 5, 1979 and to pay $80,000 in civil penalties subject to certain reduction provisions, must be placed on the agenda on less than seven days' notice so that TWA can begin the refund program described as soon as possible. This matter could not be placed on the next agenda earlier since the agreement was not finalized until the afternoon of March 19, 1980. Accordingly, the following Members have voted that agency business requires the addition of Items 10a and 18a to the March 25, 1980 agenda and that no earlier announcement of these additions was possible.

Chairman, Marvin S. Cohen
Member, Elizabeth E. Bailey
Member, Gloria Schaffer
Member, George A. Dalley

[S-627-80 Filed 3-25-80; 3:28 pm]

BILLING CODE 6320-01-M

3

[M-275, Amdt. 3; Mar. 24, 1980]

CIVIL AERONAUTICS BOARD.

Notice of addition of item to the March 25, 1980 board meeting.

TIME AND DATE: 9:30 a.m., March 25, 1980.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 14a. Dockets 36864 and EAS 487; Western's Notice to suspend Service at West Yellowstone and its Appeal of the Essential Air Service Determination (memo No. 9392-A, OGC, OCCR, BDA).

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary 202-673-5068.

SUPPLEMENTARY INFORMATION: Item 14a is being added because immediate Board action is required to enable the staff to complete the appeal prior to the June 1 date when the staff may have to order the carrier to resume service. Accordingly, the following Members have voted that agency business requires the addition of Item 14a to the March 25, 1980 agenda and that no earlier announcement of this addition was possible.

Chairman, Marvin S. Cohen
Member, Elizabeth E. Bailey
Member, Gloria Schaffer
Member, George A. Dalley

[S-628-80 Filed 3-25-80; 3:28 pm]

BILLING CODE 6320-01-M

4

[M-275, Amdt. 4; Mar. 24, 1980]

CIVIL AERONAUTICS BOARD.

Notice of deletion of item from the March 25, 1980 meeting agenda.

TIME AND DATE: 9:30 a.m., March 25, 1980.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 11a. IATA Agreements adopted by IATA relating to the Traffic Conferences (memo No. 9563, BDA).

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, 202–673–5068.

SUPPLEMENTARY INFORMATION: Item 11a is being deleted from the March 25, 1980 agenda in order to allow sufficient time for meetings with the staff. Member Bailey wants the staff to make substantial changes in the order before discussing it at a Board Meeting. Accordingly, the following Members have voted that Item 11a be deleted from the March 25, 1980 agenda and that no earlier announcement of this deletion was possible:

Chairman, Marvin S. Cohen
Member, Elizabeth E. Bailey
Member, Gloria Schaffer
Member, George A. Dalley

[S–629–80 Filed 3–25–80; 3:28 pm]

BILLING CODE 6320–01–M

5

FEDERAL DEPOSIT INSURANCE CORPORATION.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, March 31, 1980, to consider the following matters:

Disposition of minutes of previous meetings.

Recommendations with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Schall, Bourdreau & Gore, San Diego, California, in connection with the receivership of United States National Bank, San Diego, California.

Casey, Lane & Mittendorf, New York, New York, in connection with the liquidation of Franklin National Bank, New York, New York.

Squire, Sanders & Dempsey, Cleveland, Ohio, in connection with the liquidation of Northern Ohio Bank, Cleveland, Ohio.

Peter H. & Huber J. Brandt, New York, New York, in connection with the liquidation of Franklin National Bank, New York, New York (two memorandums).

Memorandum and Resolution re: Final Amendments to Part 304 of the Corporation's rules and regulations entitled "Forms, Instructions and Reports."

Memorandum and Resolution re: Proposed Amendments to Part 308 of the Corporation's rules and regulations—Rules of Practice and Procedures.

Memorandum and Resolution re: Application Guidelines.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to appliacations or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Audit Report: Cash Management Unit dated December 7, 1979.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: March 24, 1980.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–616–80 Filed 3–25–80; 12:33 pm]

BILLING CODE 6714–01–M

6

FEDERAL DEPOSIT INSURANCE CORPORATION.

Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, March 24, 1980, the Corporation's Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Director John G. Heimann (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Application of Saving Fund Society of Germantown and Its Vicinity, Bala Cynwyd, Pennsylvania, for consent to establish a branch at 10th and Reed Streets, Philadelphia, Pennsylvania.

Notice of Acquisition of Control: Kennedy Bank and Trust Company, Bethesda, Maryland.

Grievance Officer's report and recommendations regarding the formal grievance of a Corporation employee with respect to which the name of the employee is authorized to be exempt from disclosure pursuant to the provisions of subsection (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6)).

The Board further determined, by the same majority vote, that no earlier notice of these changes in the subject matter of the meeting was practicable, that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(6) and (c)(8) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6) and (c)(8)).

Dated: March 24, 1980.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–617–80 Filed 3–25–80; 12:33 pm]

BILLING CODE 6714–01–M

7

FEDERAL DEPOSIT INSURANCE CORPORATION.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, March 31, 1980, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b(c)(2), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of Title 5, United States Code, to consider the following matters:

Applications for Federal deposit insurance:

Western State Bank, a proposed new bank, to be located at 1750 E. Huntington Drive, Durate, California, for Federal deposit insurance.

State Bank of India (California), a proposed new bank, to be located at United California Bank Building, Suite 1995, 707 Wilshire Boulevard, Los Angeles, California, for Federal deposit insurance.

Bank of Yucca Valley, a proposed new bank, to be located at the northwest corner of Joshua Land and Yucca Trail, Yucca Valley, California, for Federal deposit insurance.

Charter Bank Eau Claire, and proposed new bank, to be located at the northwest corner of the intersection of West Clairemont Avenue and Hendrickson Drive, Eau Claire, Wisconsin, for Federal deposit insurance.

Application for consent to establish a branch:

Banco de San Juan, San Juan (Santurce), Puerto Rico, for consent to establish a branch at 1760 Loiza Street, San Juan, Puerto Rico.

Application for consent to merge and establish branches:

Pan American Bank of Broward, Lauderhill, Florida, an insured State nonmember bank, for consent to merge, under its charger and title, with Fidelity National Bank, Pompano Beach, Florida, and to establish the two

offices of Fidelity National Bank as branches of the resultant bank.

Jefferson Bank, Biloxi, Mississippi, and insured State nonmember bank, for consent to merge, under its charter and with the title Coast Commercial Bank, with Singing River Bank, Moss Point, Mississippi, and to establish the two offices of Singing River Bank as branches of the resultant bank.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liqudating agent of those assets:

Case No. 44,265–NR—United States National Bank, Dan Diego, California.

Memorandum re: Coronado National Bank, Denver, Colorado.

Memorandum re: Northeast Bank of Houston, Houston, Texas.

Memorandum re: The Drovers' National Bank of Chicago, Chicago, Illinois.

Memorandum and Resolution re: Request of United Bank of Arizona, Phoenix, Arizona, for waiver of Qualification Examination requirements of the Municipal Securities Principal Examination.

Recommendations with respect to the initiation or termination of cease-and-desist proceedings, termination-of-insurance proceedings, or suspension or removal proceedings against certain insured banks or officers or directors thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsection (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: March 24, 1980.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–618–80 Filed 3–25–80; 12:33 pm]

BILLING CODE 6714–01–M

8

[FR No. 592]

FEDERAL ELECTION COMMISSION.

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, March 27, 1980 at 10 a.m.

CHANGE IN MEETING: The following matter has been added to the Open Session scheduled for the above date:

Final Audit Report—Democratic Campaign Committee (Michigan)

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer, telephone: 202–523–4065.

Marjorie W. Emmons,

Secretary to the Commission.

[S–619–80 Filed 3–25–80 2:02 pm]

BILLING CODE 6715–01–M

9

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 19116; March 24, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., March 26, 1980.

CHANGE IN THE MEETING: The following items have been added:

Item Number, Docket Number, and Company

CAM–5: GP80–64, State of Kentucky, Section 108 NGPA Determination, KLI Petroleum, Conrad No. 3–G, JD80–3874.

ER–13: ER80–66 and ER80–67, New England Power Company.

Kenneth F. Plumb,

Secretary.

[S–615–80 Filed 3–25–80; 11:36 am]

BILLING CODE 6450–85–M

10

[USITC SE 80–16A]

INTERNATIONAL TRADE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 17309.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Tuesday, March 25, 1980.

CHANGES IN THE MEETING: In deliberation held Monday, March 24, 1980, the United States International Trade Commission, in conformity with 19 C.F.R. 201.37, voted that Commission business requires that the meeting previously scheduled to be held Tuesday, March 25, 1980, be cancelled.

Commissioners Bedell, Alberger, Moore, Stern, and Calhoun determined by unanimous consent that Commission business requires the cancellation of the meeting for Tuesday, March 25, 1980, and affirmed that no earlier announcement of the change was possible, and directed the issuance of this notice at the earliest practicable time.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523–0161.

[S–614–80 Filed 3–25–80; 10:20 am]

BILLING CODE 7020–02–M

11

[NM–80–15]

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9 a.m., Thursday, April 3, 1980.

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue S.W., Washington, D.C. 20594.

STATUS: The first five items will be open to the public; the sixth item will be closed to the public under Exemption 10 of the Government in the Sunshine Act.

MATTERS TO BE CONSIDERED:

1. *Marine Accident Report*—Fishing Vessel LOBSTA–1 Capsizing and Sinking in Atlantic Ocean Southeast of Point Judith, Rhode Island, September 23, 1978.
2. *Aircraft Accident Report*—Downeast Airlines, Inc., deHavilland DHC–6–200, N68DE, Rockland, Maine, May 30, 1979.
3. *Highway Accident Report*—Two Vehicle Collision and Fire, U.S. Route 422, Indiana, Pennsylvania, September 22, 1979.
4. *Railroad Accident Report*—Head-End Collision of Amtrak Train No. 51 at Harvey, Illinois, on October 12, 1979.
5. *Proposed Special Study*—Vehicle Size and Effects.
6. *Order*—Administrator v. McHenry, Dkt. SM–2316; disposition of petition for reconsideration.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming 202–472–6022.

March 25, 1980.

[S–621–80 Filed 3–25–80; 2:02 pm]

BILLING CODE 4910–58–M

12

NUCLEAR REGULATORY COMMISSION.

DATE: March 21 and 31, 1980.

PLACE: Commissioners conference room, 1717 H Street NW., Washington, D.C. (March 21).

PLEASE NOTE: Room 550, East-West Towers Building, 4350 East-West Highway, Bethesda, Md. (March 31).

STATUS: Open.

Friday, March 21 (Commissioners conference room, H Street, NW.).

5:55 p.m.

1. Affirmation Session (approximately 5 minutes, public meeting).

a. Motions Filed by Joint Intervenors in Diablo Canyon.

Monday, March 31 (Room 550, East-West Towers).

10 a.m.

1. Briefing on Interim Actions on Performance Testing For Personnel Dosimetry (approximately 1 hour, public meeting) (delayed from March 24).

2. Briefing on Two Approaches to the Treatment of Inventory Differences in Nuclear Material Accounting (approximately 1 hour, public meeting).

2 p.m.

1. Discussion of Final Rule on Transportation of Spent Fuel (approximately 1 hour, public meeting).

2. Briefing on General Position on Protection of Routing Information (approximately 1 hour, public meeting).

ADDITIONAL INFORMATION: On Friday, March 21, the Commission, by a vote of 3–0 (Commissioner Kennedy & Hendrie not present), determined that pursuant to 5 U.S.C. 552b(e)(1) and § 9.107(a) of the Commission's Rules, Commission business required that the Affirmation Session, held that day, be held on less than one week's notice to the public.

The Discussion of Legislative Testimony scheduled for March 24, was not held.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR DAILY UPDATE: (202) 634–1498.

Roger M. Tweed,

Office of the Secretary.

March 24, 1980.

[S–622–80 Filed 3–25–80; 2:28 pm]

BILLING CODE 7590–01–M

13

[OP0401]

PAROLE COMMISSION.

National Commissioners (the Commissioners presently maintaining Offices at Washington, D.C. Headquarters).

TIME AND DATE: 9:00 a.m., Wednesday, April 2, 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 13 cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Analyst: (202) 724–3094.

[S–623–80 Filed 3–25–80; 3:01 pm]

BILLING CODE 4410–01–M

14

PAROLE COMMISSION.

TIME AND DATE CORRECTION: The meeting scheduled for Tuesday, March 18, 1980 announced in the **Federal Register** on Monday, March 10, 1980 45 FR 15365, was postponed on 9:00 a.m., Wednesday, March 19, 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 PERSON FOR MORE INFORMATION: Linda Wines Marble, Analyst: (202) 724–3094.

[S–624–80 Filed 3–25–80; 3:01 pm]

BILLING CODE 4410–01–M

15

POSTAL SERVICE (Board of Governors).

Amendment to Notice of Meeting

The Board of Governors of the United States Postal Service recently published a Notice of Meeting to be held on Tuesday, April 1, 1980, in Room 401B of the Management Sectional Center, 900 E. Fayette Street, Baltimore, Maryland. Subsequently, on March 24, 1980, the Postal Rate Commission transmitted to the Governors its Opinion and Recommended Decision Upon Reconsideration concerning Third-Class Carrier Route Presort Proposal, 1978 (Commission Docket No. MC78–2). The Governors are expected to review this matter at the meeting of April 1. Accordingly, it is added to the agenda for that meeting. The Governors may elect to close the portion of the meeting at which this agenda item is to be discussed to public observation, since the discussion is likely to specifically concern the participation of the Postal Service in a civil action or proceeding.

In keeping with the foregoing, the following item is added to the Agenda for the April meeting.

7. Opinion and Recommended Decision upon Reconsideration of Postal Rate Commission, dated March 24, 1980, re Third-Class Carrier Route Presort Proposal, 1978 (Commission Docket No. MC78–2).

(The Governors of the Postal Service will consider the Commission's Recommended Decision. As stated above in the Amendment to Notice of Meeting, the discussion of this Agenda item is likely to be closed to the public.)

Louis A. Cox,

Secretary.

[S–625–80 Filed 3–25–80; 3:28 pm]

BILLING CODE 7710–12–M

16

UNITED STATES RAILWAY ASSOCIATION.

TIME AND DATE: 9 a.m., April 3, 1980.

PLACE: 955 L'Enfant Plaza North SW., board room, room 2–500, fifth floor, Washington, D.C.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED BY THE BOARD OF DIRECTORS: Portions open to the public (9 a.m.).

1. Election of Acting Chairman for the meeting.

2. Southern Railway System Presentation.

3. Approval of minutes of the February 28 and 29, 1980 Board of Directors meeting.

4. Consideration of promulgation of ESOP rules.

5. Consideration of ConRail ESOP Plan and Appropriate Waivers of Financing Agreements.

6. Report on New England Study.

7. Report on ConRail monitoring.

8. Consideration of ConRail revised second quarter investment commitment request.

9. Consideration of ConRail drawdown request for April.

10. Considerations of 211(h) loan program.

11. Legislative report.

12. Contract actions (extensions and approvals).

Portions closed to the public (11 a.m.)

13. Review of ConRail proprietary and financial information for monitoring and investment purposes.

14. Review of Missouri-Kansas-Texas Railroad proprietary and financial information.

15. Review of Delaware and Hudson Railway Company proprietary and financial information.

16. Litigation report.

17. Consideration of internal personnel matters.

CONTACT PERSON FOR MORE INFORMATION: Alex Bilanow, (202) 426–4250.

[S–620–80 Filed 3–25–80; 2:20 pm]

BILLING CODE 8240–01–M

federal register

Thursday
March 27, 1980

Part II

Environmental Protection Agency

High Altitude Emission Standards Voluntary Compliance Program for 1981 Model Year Light-Duty Motor Vehicles; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 86

[FRL-1420-2]

Control of Air Pollution From New Motor Vehicle Engines; High Altitude Emission Standards Voluntary Compliance Program for 1981 Model Year Light-Duty Motor Vehicles

AGENCY: Environmental Protection Agency.

ACTION: Final Rulemaking.

SUMMARY: The EPA is promulgating new exhaust and evaporative emission standards which are voluntary for 1981 model year light-duty vehicles (LDV's) and light-duty trucks (LDT's) when sold for principal use at altitudes above 4,000 feet (1,219 meters) mean sea level. The standards in this high-altitude voluntary compliance program are identical to those proposed for mandatory compliance by 1982 and 1983 model year vehicles in the Agency's January 24, 1980, Notice of Proposed Rulemaking (NPRM) entitled, "Proposed High-Altitude Emission Standards for 1982 and 1983 Model Year Light-Duty Motor Vehicles." (45 FR 5988).

EFFECTIVE DATE: These amendments are effective April 28, 1980.

ADDRESSES: Copies of material relevant to this rulemaking action are contained in the public docket which was established for the NPRM pertaining to the mandatory 1982 and 1983 model year standards. This docket, number A-79-14, is located at the U.S. Environmental Protection Agency, Central Docket Section, Waterside Mall, Room 2903 (EPA Library), 401 M. Street, SW., Washington, D.C. 20460. The docket may be inspected between the hours of 8:00 a.m. and 4:00 p.m. Monday through Friday. A reasonable fee may be charged for copying services.

FOR FURTHER INFORMATION CONTACT: Richard Wilcox, Emission Control Technology Division, Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105, 313-668-4390.

SUPPLEMENTARY INFORMATION:

Background

During model year 1977, EPA regulations required that new light-duty motor vehicles intended for sale at high-altitude demonstrate compliance with the applicable (low altitude) emission standards at high altitude. One result of this requirement was that some motor vehicle manufacturers either chose not to certify or failed to certify for sale at high altitude, some of the models in their product lines. The limitation in the number of models available for sale in these areas generated an adverse reaction among the affected vehicle purchasers and automobile dealerships. With passage of the Clean Air Amendments of 1977, the Congress, in section 213 of those amendments (Sections 202(f) and 206(f) of the Clean Air Act as amended), revoked the EPA high-altitude motor vehicle certification regulations, prohibited the establishment of any other regulations governing the sale or distribution of motor vehicles at high-altitude before 1981, and required that, beginning with the 1984 model year, all new light-duty vehicles (LDVs) comply with the applicable emission standards regardless of the altitude at which they are sold. On January 24, 1980, the Agency proposed mandatory high-altitude standards for 1982 and 1983 model year motor vehicles (45 FR 5988).

Control Strategy

In the NPRM concerning 1982 and 1983 model year vehicles, EPA indicated that it would implement a voluntary program for complying with the high-altitude standards during the 1981 model year. Although a compulsory program in 1981 would have been preferred, the Agency determined that high-altitude regulations could not be fully implemented before certification of the 1981 model year vehicles had begun.

EPA is convinced, however, that the severity of atmospheric pollution in high-altitude areas justifies control of high-altitude vehicle emissions as early as is feasible. The Agency has found that motor vehicles which comply with low-altitude standards produce as much as 50 percent more exhaust hydrocarbon (HC) and nearly 100 percent more carbon monoxide (CO) when tested at 5,000 feet above sea level. We have also learned that, in most high-altitude urban areas, motor vehicles account for more than half of the total HC emissions and almost all of the CO emissions. These emission levels combine with summer sunlight and stable winter atmospheric conditions to cause numerous violations of the ambient air quality standards for ozone and CO in high-altitude metropolitan areas. Therefore, in recognizing the manufacturing leadtime situation, and at the same time the need to take immediate action to safeguard the public health, EPA is now promulgating and encouraging participation in a voluntary compliance program for the 1981 model year.

EPA has been encouraged by the domestic automobile manufacturers' attitude toward reducing the severity of high-altitude pollution problems, and we expect that the entire industry will take advantage of the 1981 voluntary compliance program whenever possible. Some specific reasons why this program may be useful are:

1. As indicated above, vehicles designed to meet low altitude standards at low altitudes often do not perform well in the areas of fuel economy, emission control, and driveability when driven at high altitude. Although it is currently possible for a manufacturer to certify better-performing vehicles for sale in high altitude areas, this may only be done if he can demonstrate compliance with the low altitude standards at high altitude. Since manufacturers have experienced difficulty in certifying to the low altitude standards at high altitude, some vehicles which might perform better at high altitudes have not been made available to the public. The 1981 voluntary compliance program will permit manufacturers to meet numerically less stringent HC and CO standards when certifying at high altitudes. This will afford the manufacturer an opportunity to make available in high altitude areas vehicles which have better fuel economy, emission control and driveability performance than that achieved by vehicles designed to meet low altitude standards at low altitudes when driven in high altitude areas.

2. In 1981, parameter adjustment regulations (PAR) (44 FR 2960) will affect the adjustability of idle fuel-air mixtures and choke valve actions. It is conceivable that under some circumstances these regulations could constrain manufacturers from offering the most effective high-altitude performance adjustments. Under section 215 of the Act, EPA is developing regulations to require the availability of high-altitude performance adjustment instructions. These adjustments are intended to reduce emissions at high altitude by allowing simple calibration changes to vehicle engines. If the adjustable parameter is limited to such a degree as to preclude simple and effective performance adjustments, or if potential adjustments are totally excluded, manufacturers can certify a different configuration for a high-altitude vehicle under the voluntary compliance program that takes full advantage of different calibrations. This would allow high-altitude emissions to be reduced to the lowest possible level;

3. By using the voluntary program, motor vehicles which are unsafe and, therefore, unavailable in high-altitude areas, or vehicles that have degraded

driveability when operated under high-altitude conditions, can be improved by certifying them with high-altitude configured components which may otherwise not have been previously allowed under the vehicle's certificate of conformity because they could not meet the levels of the low-altitude standards; and

4. Due to resource constraints, manufacturers may find it advantageous to certify some engine families in 1981 and "carry over" their certification data to comply with the 1982 and 1983 mandatory standards.

Standards

Vehicles certified under the high-altitude voluntary certification program must meet the high-altitude standards as originally proposed in the January 24, 1980 NPRM. Compliance testing will be performed at 5,400 feet (1,650 meters). These standards are consistent with the Congressional intent of significantly reducing motor vehicle emissions at high altitudes. The level of each exhaust emission standard was determined by using actual emission performance data from a 1970 fleet of 25 light-duty vehicles which were tested at both high and low altitudes.[1] The evaporative emission standards were derived from a theoretical analysis rather than actual vehicle tests.[2] The following table summarizes the voluntary standards at the reference altitude.

Voluntary Standards at Reference Altitude of 5,400 feet (Denver Test Site)

	HC [1]	CO [1]	NO_x [1]	Evap. [2]
LDV 1981	0.57	7.8	1.0	2.6
LDT 1981	2.0	26	2.3	2.6

[1] Grams per mile.
[2] Grams per test.

Warranty, Recall Actions, and Selective Enforcement Audits

As previously stated, certification with the high-altitude standards for any 1981 model year vehicle shall be optional. Vehicle manufacturers will not be liable for violations of section 203(a)(1) of the Clean Air Act for selling or introducing into commerce, at high-altitude locations, vehicles certified to meet only low-altitude standards. However, once a vehicle manufacturer elects to certify and build vehicles to meet high-altitude standards, the manufacturer is responsible for compliance with all other appropriate provisions of the Act. The Agency may elect to conduct recall testing and Selective Enforcement Audits of such vehicles at high-altitude locations and take enforcement action if the vehicles fail to meet high-altitude standards.

Likewise, the Agency intends to monitor high-altitude vehicles which a manufacturer may choose to sell for principal use at low-altitude locations. Recall investigations will be initiated if there are data to indicate that such vehicles do not meet low-altitude standards when tested at low-altitude locations, and recalls will be considered where appropriate. In both situations mentioned above (i.e., where vehicles certified and configured to meet high-altitude standards are sold for principal use at either high- or low-altitude locations), vehicle manufacturers shall be required to comply with all applicable warranty requirements of section 207 of the Act.

Economic and Environmental Impact

Because of the voluntary nature of this action, it is impossible to quantify the economic and environmental consequences. However, these issues can be addressed in a qualitative manner. It is self-evident that manufacturers would not participate in the program if it were excessively expensive. For this reason, the cost of the regulations is expected to be relatively small with a negligible economic impact on the industry. Sales for some manufacturers could actually increase and offset any economic impact if by participating in the voluntary compliance program a vehicle with superior driveability and performance is produced. Better driveability and performance also benefit consumers. The environmental impact from this regulation will be positive. Vehicles manufactured in compliance with the high-altitude standards should produce less CO and HC emissions when operated at high altitude than if they complied only with the existing low-altitude standards.

Changes to the Preexisting High-Altitude Regulations

As previously mentioned, a voluntary certification program for high-altitude motor vehicles is already in effect. This program was promulgated by EPA after Congress revoked the mandatory 1977 high-altitude standards. The final rule which is being promulgated in this rulemaking action affects many but not all of the sections in 40 CFR Part 86 which pertain to the current voluntary rule. Only the sections of the preexisting CFR that are being modified by this final rulemaking action are published in this **Federal Register** notice. Therefore, the preexisting sections of the CFR that remain in effect are not republished here, and motor vehicle manufacturers must also comply with their requirements.

Public Participation: The voluntary compliance program for 1981 is not binding on the automotive industry and, therefore, does not adversely affect the private sector. This action also does not adversely affect the public health and welfare since participation in the voluntary compliance program will produce tangible benefits in the form of reduced air pollution in high-altitude areas. Also, any delay in implementing this program will negate its effectiveness since manufacturers are currently beginning to certify 1981 model year vehicles. For these reasons, EPA finds that notice and opportunity to comment on the regulations implementing the program are unnecessary and would be contrary to the public interest.

Note.—The Environmental Protection Agency has determined that this document is not a "significant" regulation requiring the preparation of a Regulatory Analysis under Executive Order 12044.

Dated: March 18, 1980.

Douglas M. Costle,

Administrator, U.S. Environmental Protection Agency.

40 CFR Part 86 is amended as follows:

Subpart A—General Provisions

1. A new § 86.081–1 is added. This section is identical to § 86.078–1 except that paragraph (c) is revised.

§ 86.081–1 General applicability.

(a) The provisions of this subpart apply to 1981 and later model year new gasoline-fueled and Diesel light-duty vehicles, 1981 and later model year new gasoline-fueled and Diesel light-duty trucks and 1981 and later model year new gasoline-fueled and Diesel heavy-duty engines.

(b) *Optional applicability.* A manufacturer may request to certify any heavy-duty vehicle 10,000 pounds GVWR or less as a light-duty truck: Heavy-duty vehicle provisions do not apply to such a vehicle.

(c)(1) *Optional high-altitude certification.* A manufacturer of light-duty vehicles and light-duty trucks may request to demonstrate compliance with the optional high-altitude standards at high altitudes by identifying such vehicles in the application for certification. The optional high-altitude emission standards are contained in

[1] Proposed High-Altitude Emission Standards for 1982 and 1983 Model Year Light-Duty Motor Vehicles, 45 FR 5988 January 24, 1980.

[2] Leiferman, M. 1979. Effect of Altitude on Non-Controlled Evaporative Emissions from Gasoline Fueled Vehicles. EPA Technical Report. Docket A–79–14.

§ 86.081–8, paragraphs (d) and (e) and § 86.081–9, paragraphs (d) and (e).

(2) The provisions of this subpart applicable to light-duty vehicles and light-duty trucks sold for principal use at designated high altitudes shall apply to any manufacturer who elects to demonstrate compliance with the optional high-altitude standards at such elevations.

2. Section 86.081–2 is added.

§ 86.081–2 Definitions.

(a) The definitions in § 86.080–2 also apply beginning with the 1981 model year vehicles.

(b) In addition to the definitions indicated in paragraph (a) of this section the following definition also applies:

"High-altitude reference point" means an elevation of 1,620 meters (5,400 feet) plus or minus 100 meters (330 feet), or equivalent observed barometric test conditions of 82 kPa (24.2 inches Hg), plus or minus 1 kPa (0.30 inches Hg).

3. In § 86.081–8, paragraphs (d) and (e) are added.

§ 86.081–8 Emission standards for 1981 model year light-duty vehicles.

* * * * *

(d)(1) Model year 1981 light-duty vehicles sold for principal use at designated high-altitude locations shall not exceed the following exhaust emission standards when tested at the high-altitude reference point if the manufacturer of such vehicles elects to demonstrate compliance with the high-altitude emission standards.

(i) *Hydrocarbons.* 0.57 grams per vehicle mile;

(ii) *Carbon monoxide.* 7.8 grams per vehicle mile;

(iii) *Oxides of nitrogen.* 1.0 gram per vehicle mile, except that oxides of nitrogen emissions from 1981 light-duty vehicles manufactured by American Motors Corporation shall not exceed 2.0 grams per vehicle mile.

(2) The standards set forth in paragraph (d)(1) of this section refer to the exhaust emitted over a driving schedule as set forth in Subpart B of this part and measured and calculated in accordance with those procedures.

(e)(1) Fuel evaporative emissions from 1981 model year gasoline-fueled light-duty vehicles sold for principal use at designated high-altitude areas shall not exceed 2.6 gram per test when tested at the high-altitude reference point if the manufacturer of such vehicles elects to demonstrate compliance with the high-altitude emission standards.

(2) The standard set forth in paragraph (e)(1) of this section refers to a composite sample of the fuel evaporative emissions collected under the conditions set forth in Subpart B of this part and measured in accordance with those procedures.

4. In § 86.081–9, paragraphs (d) and (e) are added.

§ 86.081–9 Emission standards for 1981 model year light-duty trucks.

* * * * *

(d)(1) Model year from 1981 light-duty trucks sold for principal use at designated high-altitude locations shall not exceed the following exhaust emission standards when tested at the high-altitude reference point if the manufacturer of such vehicles elects to demonstrate compliance with the high-altitude standards.

(i) *Hydrocarbons.* 2.0 grams per vehicle mile;

(ii) *Carbon monoxide.* 26.0 grams per vehicle mile;

(iii) *Oxides of nitrogen.* 2.3 grams per vehicle mile.

(2) The standards set forth in paragraph (d)(1) of this section refer to the exhaust emitted over a driving schedule as set forth in Subpart B of this part and measured and calculated in accordance with those procedures.

(e)(1) Fuel evaporative emissions from 1981 model year gasoline-fueled light-duty trucks sold for principal use at designated high-altitude areas shall not exceed 2.6 grams per test when tested at the high-altitude reference point if the manufacturer of such vehicles elects to demonstrate compliance with high-altitude emission standards.

(2) The standard set forth in paragraph (e)(1) of this section refers to a composite sample of the fuel evaporative emissions collected under the conditions set forth in Subpart B of this part and measured in accordance with those procedures.

5. In § 86.081–21, paragraph (a) is revised.

§ 86.081–21 Application for certification.

(a) A separate application for a certificate of conformity shall be made for each set of standards (except for high-altitude standards) and each class of new motor vehicle engines. Such application shall be made to the Administrator by the manufacturer and shall be updated and corrected by amendment.

* * * * *

6. Section 86.081–28 is added. This section is identical to § 86.079–28 except for paragraph (a)(4)(i)(B).

§ 80.081–28 Compliance with emission standards.

(a)(1) Paragraph (a) of this section applies to light-duty vehicles and light-duty trucks.

(2) The applicable exhaust and fuel evaporative emission standards of this subpart apply to the emissions of vehicles for their useful life.

(3) Since it is expected that emission control efficiency will change with mileage accumulation on the vehicle, the emission level of a vehicle which has accumulated 50,000 miles will be used as the basis for determining compliance with the standards.

(4) The procedure for determining compliance of a new motor vehicle with exhaust emission standards is as follows:

(i) Separate emission deterioration factors shall be determined from the exhaust emission results of the durability-data vehicle(s) for each engine-system combination. A separate factor shall be established for exhaust HC, exhaust CO), and exhaust NO_x for each engine-system combination. A separate evaporative emission deterioration factor shall be determined for each evaporative emission family-evaporative emission control system combination from the testing conducted by the manufacturer.

(A) The applicable results to be used in determining the exhaust emission deterioration factors for each engine-system combination shall be:

(*1*) All valid exhaust emission data from the tests required under § 86.081–26(a)(4) except the zero-mile tests. These shall include the official test results, as determined in § 86.079–29 for all tests conducted on all durability-data vehicles of the combination selected under § 86.081–24(c) (including all vehicles elected to be operated by the manufacturer under § 86.081–24(c)(1)(ii)).

(*2*) All exhaust emission data from the tests conducted before and after the scheduled maintenance provided in § 86.079–25.

(*3*) All exhaust emission data from tests required by maintenance approved under § 86.079–25, in those cases where the Administrator conditioned his approval for the performance of such maintenance on the inclusion of such data in the deterioration factor calculation.

(B) All applicable exhaust emission results shall be plotted as a function of the mileage on the system, rounded to the nearest mile, and the best fit straight lines, fitted by the method of least squares, shall be drawn through all these data points. The interpolated 4,000- and 50,000-mile points on this line must be within the low-altitude standards provided in § 86.081–8 or § 86.081–9 as applicable, or the data will not be acceptable for use in calculation of a deterioration factor, unless no applicable data point exceeded the

standard. An exhaust emission deterioration factor shall be calculated for each engine-system combination as follows:

Factor = Exhaust emissions interpolated to 50,000 divided by exhaust emissions interpolated to 4,000 miles.

These interpolate values shall be carried out to a minimum of four places to the right of the decimal point before dividing one by the other to determine the deterioration factor. The results shall be rounded to three places to the right of the decimal point in accordance with ASTME 29–67.

(C) An evaporative emissions deterioration factor shall be determined from the testing conducted as described in § 86.081–21(b)(4)(ii), for each evaporative emission family-evaporative emission control system combination to indicate the evaporative emission level at 50,000 miles relative to the evaporative emission level at 4,000 miles as follows:

Factor = Evaporative emission level at 50,000 miles minus the evaporative emission level at 4,000 miles.

The factor shall be established to a minimum of two places to the right of the decimal.

(ii)(A) The official exhaust emission test results for each emission-data vehicle at the 4,000-mile test point shall be multiplied by the appropriate deterioration factor: *Provided,* That if a deterioration factor as computed in paragraph (a)(4)(i)(B) of this section is less than one, that deterioration factor shall be one for the purposes of this paragraph.

(B) The official evaporative emission test results for each evaporative emission-data vehicle at the 4,000-mile test point shall be adjusted by addition of the appropriate deterioration factor: *Provided,* That if a deterioration factor as computed in paragraph (a)(4)(i)(C) of this section is less than zero, that deterioration factor shall be zero for the purposes of this paragraph.

(iii) The emissions to compare with the standard shall be the adjusted emissions of paragraph (a)(4)(ii)(A) and (B) of this section for each emission-data vehicle. Before any emission value is compared with the standard, it shall be rounded, in accordance with ASTM E 29–67, to two significant figures. The rounded emission values may not exceed the standard.

(iv) Every test vehicle of an engine family must comply with the exhaust emission standards, as determined in paragraph (a)(4)(iii) of this section, before any vehicle in that family may be certified.

(v) Every test vehicle of an evaporative emission family must comply with the evaporative emission standards, as determined in paragraph (a)(4)(iii) of this section, before any vehicle in that family may be certified.

(b)(1) Paragraph (b) of this section applies to heavy-duty engines.

(2) The exhaust emission standards for gasoline-fueled engines in § 86.080–11 or for Diesel engines in § 86.080–11 apply to the emissions of engines for their useful life.

(3) Since emission control efficiency decreases with the accumulation of hours on the engine, the emission level of a gasoline-fueled engine which has accumulated 1,500 hours of dynamometer operation or a diesel engine which has accumulated 1,000 hours of dynamometer operation will be used as the basis for determining compliance with the standards.

(4) The procedure for determining compliance of a new engine with exhaust emission standards is as follows:

(i) Separate emission deterioration factors shall be determined from the emission results of the durability-data engines for each engine-system combination. Separate factors shall be established for HC, CO, and for the combined emissions of HC and NO_x. For Diesel engines, separate factors shall also be established for the acceleration mode (designated as "A"), the lugging mode (designated as "B"), and the peak opacity (designated as "C").

(A) The applicable results to be used in determining the deterioration factors for each combination shall be:

(*1*) All valid emission data from the tests required under § 86.079–26(b). These shall include the official test results, as determined in § 86.079–29, for all tests conducted on all gasoline-fueled durability-data engines of the combination selected under § 86.081–24(c)(2) or on all Diesel durability-data engines of the combination selected under § 86.081–24(c)(3) (including all engines elected to be operated by the manufacturer under § 86.081–24(c)(2)(iii) for gasoline-fueled engines or under § 86.081–24(c)(3)(ii) for Diesel engines).

(*2*) All emission data from the tests conducted before and after maintenance provided in § 86.079–25(c)(2)(i)(A) for gasoline-fueled engines or in § 86.079–25(c)(2)(i)(B) for Diesel engines.

(*3*) All emission data from the tests conducted before and after maintenance provided in § 86.079–25(c)(2)(v)(C) for Diesel engines if emission tests were conducted.

(B) All applicable emission results for (*1*) HC, (*2*) CO, (*3*) $HC+NO_x$, (*4*) acceleration smoke ("A"), (*5*) lugging smoke ("B"), and (*6*) peak smoke ("C") shall be plotted as a function of durability hours which shall be consistently rounded to the nearest hour. Emission data shall have two figures to the right of the decimal. The best fit straight lines, fitted by the method of least squares, shall be drawn through these data points. The interpolated 125-hour and 1,500-hour points for gasoline-fueled engines or the 1,000-hour point for Diesel engines on each line, rounded to whole numbers in accordance with ASTM E 29–67, must be within the standards specified in § 86.080–10 for gasoline-fueled engines or in § 86.080–11 for Diesel engines or the data shall not be used in the calculation of a deterioration factor, unless no applicable data points exceed the standards.

(C) The interpolated values shall be used to calculate a deterioration factor as follows:

Factor = Exhaust emissions interpolated to 1,500 hours for gasoline-fueled engines or to 1,000 hours for Diesel engines minus the exhaust emissions interpolated to 125 hours. (Negative deterioration factors shall be considered zero).

(ii) The appropriate deterioration factor, carried out to two places to the right of the decimal point, shall be added to the exhaust emission test results, carried out to two places to the right of the decimal point, for each emission-data engine.

(iii) The emission values to compare with the standards shall be the adjusted emission values of paragraph (b)(4)(ii) of this section rounded to two significant figures in accordance with ASTM E 29–67 for each emission-data engine.

(iv) Every test engine of engine family must comply with all applicable standards, as determined in paragraph (b)(4)(iii) of this section, before any engine in that family will be certified.

7. Section 86.081–30 is added. This section is identical to § 86.079–30 except for paragraphs (a)(3), (a)(4), (a)(5), (a)(6), (b)(1)(i)(B), and (b)(1)(i)(C).

§ 86.081–30 Certification.

(a)(1) If, after a review of the test reports and data submitted by the manufacturer, data derived from any inspection carried out under § 86.078–7(c), and any other pertinent data or information, the Administrator determines that a test vehicle(s) (or test engines(s)) meet(s) the requirements of the Act and of this subpart, he will issue a certificate of conformity with respect to such vehicle(s) (or engine(s)) except in cases covered by paragraph (c) of this section.

(i) Each certificate of conformity shall state the altitudes(s) at which the

vehicle(s) covered by the certificate has demonstrated compliance with the applicable emission standards.

(2) Such certificate will be issued for such period not to exceed one model year as the Administrator may determine and upon such terms as he may deem necessary to assure that any new motor vehicle (or new motor vehicle engine) covered by the certificate will meet the requirements of the Act and of this part. Each such certificate shall contain the following language:

This certificate covers only those new motor vehicles (or new motor vehicle engines) which conform, in all material respects, to the design specifications that applied to those vehicles (or engines) described in the application for certification and which are produced during the—model year production period of the said manufacturer, as defined in 40 CFR 86.081–2.

It is a term of this certificate that the manufacturer shall consent to all inspections described in 40 CFR 86.078–7(c) which concern either the vehicle (or engine) certified, or any production vehicle (or production engine) which when completed will be claimed to be covered by this certificate. Failure to comply with all the requirements of § 86.078–7(c) with respect to any such vehicle (or engine) may lead to revocation or suspension of this certificate as specified in 40 CFR 86.081–30(c). It is also a term of this certificate that this certificate may be revoked or suspended for the other reasons stated in § 86.081–30 (c) or (d).

(3) One such certificate will be issued for each engine family. For gasoline-fueled light-duty vehicles and light-duty trucks, one such certificate will be issued for each engine family-evaporative emission family combination. Each certificate will certify compliance with no more than one set of standards except for low-altitude standards and high-altitude standards.

(4) The adjustment or modification of any light-duty vehicle or light-duty truck in accordance with instructions provided by the manufacturer as approved by EPA for the altitude where the vehicle is principally used, will not be considered a violation of section 203(a)(3) of the Clean Air Act.

(5) For the purpose of this subpart, "designated high-altitude location" is any county which has substantially all of its area located above 1,219 meters (4,000 feet) and which is identified below:

Counties Located Substantially Above 1,219 Meters (4,000 Feet) in Elevation

State of Arizona

Apache	Navajo
Cochise	Yapai
Coconino	

State of Colorado

Adams	Alamosa
Arapahoe	Lake
Archuleta	La Plata
Boulder	Larimer
Chaffee	Las Animas
Cheyenne	Lincoln
Clear Creek	Mesa
Conejos	Mineral
Costilla	Moffat
Crowley	Montezuma
Custer	Montrose
Delta	Morgan
Denver	Otero
Dolores	Ouray
Douglas	Park
Eagle	Pitkin
Elbert	Pueblo
El Paso	Rio Blanco
Fremont	Rio Grande
Garfield	Routt
Gilpin	Saguache
Grand	San Juan
Gunnison	San Miguel
Hinsdale	Summit
Huerfano	Teller
Jefferson	Washington
Jackson	Weld
Kit Carson	

State of Idaho

Bannock	Custer
Bear Lake	Franklin
Bingham	Fremont
Blaine	Jefferson
Bonneville	Lemhi
Butte	Madison
Camas	Minidoka
Caribou	Oneida
Cassia	Power
Clark	Teton
	Valley

State of Montana

Beaverhead	Madison
Deer Lodge	Meagher
Gallatin	Park
Jefferson	Silver Bow
Judith Basin	Wheatland
Powell	

State of Nebraska

Banner	Kimball
Cheyenne	Sioux

State of Nevada

Carson City	Lander
Douglas	Lyon
Elko	Mineral
Esmeralda	Nye
Eureka	Pershing
Humboldt	Storey
Lincoln	Washoe
	White Pine

State of New Mexico

Bernalillo	Mora
Catron	Rio Arriba
Colfax	Sandoval
Curry	San Juan
De Baca	San Miguel
Grant	Santa Fe
Guadalupe	Sierra
Harding	Socorro
Hidalgo	Roosevelt
Lincoln	Taos
Los Alamos	Torrance
Luna	Union
McKinley	Valencia
Otero	

State of Oregon

Harney	Klamath
Lake	

State of Texas

Jeff Davis	Parmer
Hudspeth	

State of Utah

Beaver	Piute
Box Elder	Rich
Cache	Salt Lake
Carbon	San Juan
Daggett	Sanpete
Davis	Sevier
Duchesne	Summit
Emery	Tooele
Garfield	Uintah
Grand	Utah
Iron	Wasatch
Juab	Wayne
Kane	Weber
Millard	
Morgan	

State of Wyoming

Albany	Natrona
Campbell	Niobrara
Carbon	Park
Converse	Platte
Fremont	Sublette
Goshen	Sweetwater
Hot Springs	Teton
Johnson	Uinta
Laramie	Washakie
Lincoln	Weston

(6) The provisions of paragraph (a)(4) of this section shall not apply to any light-duty vehicle or light-duty truck sold, offered for sale, introduced, or delivered for introduction into commerce in California provided that the vehicle is covered by a certificate of conformity with emission standards in effect in California.

(7) Certificates issued for light-duty vehicles or light-duty trucks certified with catalytic converters shall be subject to the following term in addition to the term in paragraph (a)(2) of this section: "Catalyst-equipped vehicles, otherwise covered by this certificate, which are driven outside the United States, Canada, and Mexico will be presumed to have been operated on leaded gasoline resulting in deactivation of the catalysts. If these vehicles are imported or offered for the importation without retrofit of the catalyst, they will be considered not to be within the coverage of this certificate unless included in a catalyst control program operated by a manufacturer or a United States Government Agency and approved by the Administrator."

(8) Certificates issued for incomplete light-duty trucks shall be subject to the following term in addition to the term in paragraph (a)(2) of this section: "For incomplete light-duty trucks, this certificate covers only those new motor vehicles which when completed by having the primary load-carrying device or container attached, conform to the maximum curb weight and frontal area limitations described in the application for certification as required in 40 CFR 86.081–21(d)."

(9) Certificates issued for heavy-duty engines shall be subject to the following term in addition to the term in

paragraph (a)(2) of this section: "For heavy-duty engines, this certificate covers only those new motor vehicle engines installed in heavy-duty vehicles which conform to the minimum gross vehicle weight rating, curb weight, or frontal area limitations for heavy-duty vehicles described in 40 CFR 86.081–2."

(b)(1) The Administrator will determine whether a vehicle (or engine) covered by the application complies with applicable standards by observing the following relationships:

(i) *Light-duty vehicles and light-duty trucks.* (A) The durability-data vehicle(s) selected under § 86.081–24(c)(1)(i) shall represent all vehicles of the same engine-system combination.

(B) The emission-data vehicle(s) selected under § 86.081–24(b)(1)(ii), shall represent all vehicles of the same engine-system combination as applicable.

(C) The emission-data vehicle(s) selected under § 86.081–24 (b)(1)(vii)(A) and (b)(1)(vii)(B) shall be represent all vehicles of the same evaporative emission control system within the evaporative emission family.

(D) The emission-data vehicle(s) selected under § 86.081–24(b)(1)(v) shall represent all vehicles of the same engine-system combination to be sold at high altitude.

(E) The emission-data vehicle(s) selected under § 86.081–24(b)(1)(vii)(D) shall represent all vehicles of the same evaporative emission control system within the evaporative emission family sold at high altitude.

(ii) *Gasoline-fueled heavy-duty engines.* (A) A test engine selected under § 86.081–24(b)((2)(ii) and (iv) shall represent all engines in the same engine family of the same engine displacement-exhaust emission control system combination.

(B) A test engine selected under § 86.081–24(b)(2)(iii) shall represent all engines in the same engine family of the same engine displacement-exhaust emission control system combination.

(C) A test engine selected under § 86.081–24(c)(2)(i) shall represent all engines of the same engine-system combination.

(iii) *Diesel heavy-duty engines.* (A) A test engine selected under § 86.081–24(b)(3)(ii) shall represent all engines in the same engine-system combination.

(B) A test engine selected under § 86.081–24(b)(3)(iii) shall represent all engines of that emission control system at the rated fuel delivery of the test engines.

(C) A test engine selected under § 86.081–24(c)(3)(i) shall represent all engines of the same engine-system combination.

(2) The Administrator will proceed as in pararaph (a) of this section with respect to the vehicles (or engines) belonging to an engine family or engine family-evaporative emission family combination (as applicable), all of which comply with all applicable standards.

(3) If, after a review of the test reports and data submitted by the manufacturer, data derived from any additional testing conducted pursuant to § 86.079–29, data or information derived from any inspection carried out under § 86.078–7(c) or any other pertinent data or information, the Administrator determines that one or more test vehicles (or test engines) of the certification test fleet do not meet applicable standards, he will notify the manufacturer in writing, setting forth the basis for his determination. Within 30 days following receipt of the notification, the manufacturer may request a hearing on the Administrator's determination. The request shall be in writing, signed by an authorized representative of the manufacturer and shall include a statement specifying the manufacturer's objections to the Administrator's determination and data in support of such objections. If, after a review of the request and supporting data, the Administrator finds that the request raises a substantial factual issue, he shall provide the manufacturer a hearing in accordance with § 86.078–6 with respect to such issue.

(4) For light-duty vehicles and light-duty trucks the manufacturer may, at his option, proceed with any of the following alternatives with respect to an emission-data vehicle determined not in compliance with all applicable standards for which it was tested:

(i) Request a hearing under § 86.078–6; or

(ii) Remove the vehicle configuration (or evaporative vehicle configuration, as applicable) which failed, from his application;

(A) If the failed vehicle was tested for compliance with exhaust emission standards only: The Administrator may select, in place of the failed vehicle, in accordance with the selection criteria employed in selecting the failed vehicle, a new emission-data vehicle to be tested for exhaust emission compliance only.

(B) If the failed vehicle was tested for compliance with both exhaust and evaporative emission standards: The Administrator may select, in place of the failed vehicle, in accordance with the selection criteria employed in selecting the failed vehicle, a new emission-data vehicle which will be tested for compliance with both exhaust and evaporative emission standards. If one vehicle cannot be selected in accordance with the selection criteria employed in selecting the failed vehicle, then two vehicles may be selected (i.e., one vehicle to satisfy the exhaust emission vehicle selection criteria and one vehicle to satisfy the evaporative emission vehicle selection criteria). The vehicle selected to satisfy the exhaust emission vehicle selection criteria will be tested for compliance with exhaust emission standards only. The vehicle selected to satisfy the evaporative emission vehicle selection criteria will be tested for compliance with both exhaust and evaporative emission standards; or

(iii) Remove the vehicle configuration (or evaporative vehicle configuration, as applicable) which failed from the application and add a vehicle configuration(s) (or evaporative vehicle configuration(s), as applicable) not previously listed. The Administrator may require, if applicable, that the failed vehicle be modified to the new engine code (or evaporative emission code, as applicable) and demonstrate by testing that it meets applicable standards for which it was originally tested. In addition, the Administrator may select, in accordance with the vehicle selection criteria given in § 86.081–24(b), a new emission-data vehicle or vehicles. The vehicles selected to satisfy the exhaust emission vehicle selection criteria will be tested for compliance with exhaust emission standards only. The vehicles selected to satisfy the evaporative emission vehicle selection criteria will be tested for compliance with both exhaust and evaporative emission standards; or

(iv) Correct a component or system malfunction and show that with a correctly functioning system or component the failed vehicle meets applicable standards for which it was originally tested. The Administrator may require a new emission-data vehicle, of identical vehicle configuration (or evaporative vehicle configuration, as applicable) to the failed vehicle, to be operated and tested for compliance with the applicable standards for which the failed vehicle was originally tested.

(5) For heavy-duty engines the manufacturer may, at his option, proceed with any of the following alternatives with respect to any engine family represented by a test engine(s) determined not in compliance with applicable standards:

(i) Request a hearing under § 86.078–6; or

(ii) Delete from the application for certification the engines represented by the failing test engine. (Engines so deleted may be included in a later request for certification under 86.079–

32.) The Administrator will then select in place of each failing engine an alternate engine chosen in accordance with selection criteria employed in selecting the engine that failed; or

(iii) Modify the test engine and demonstrate by testing that it meets applicable standards. Another engine which is in all material respects the same as the first engine, as modified, shall then be operated and tested in accordance with applicable test procedures.

(6) If the manufacturer does not request a hearing or present the required data under paragraphs (b)(4) or (b)(5) (as applicable) of this section, the Administrator will deny certification.

(c)(1) Not withstanding the fact that any certification vehicle(s) (or certification engine(s)) may comply with other provisions of this subpart, the Administrator may withhold or deny the issuance of a certificate of conformity (or suspend or revoke any such certificate which has been issued) with respect to any such vehicle(s) (or engine(s)) if:

(i) The manufacturer submits false or incomplete information in his application for certification thereof;

(ii) The manufacturer renders inaccurate any test data which he submits pertaining thereto or otherwise circumvents the intent of the Act, or of this part with respect to such vehicle (or engine);

(iii) Any EPA Enforcement Officer is denied access on the terms specified in § 86.078–7(c) to any facility or portion thereof which contains any of the following:

(A) The vehicle (or engine);

(B) Any components used or considered for use in its modification or buildup into a certification vehicle (or certification engine);

(C) Any production vehicle (or production engine) which is or will be claimed by the manufacturer to be covered by the certificate;

(D) Any step in the construction of a vehicle (or engine) described in (C) of this subdivision;

(E) Any records, documents, reports, or histories required by this part to be kept concerning any of the above;

(iv) Any EPA Enforcement Officer is denied "reasonable assistance" (as defined in § 86.078–7(c)) in examining any of the items listed in paragraph (c)(1)(iii) of this section.

(2) The sanctions of withholding, denying, revoking, or suspending of a certificate may be imposed for the reasons in paragraphs (c)(1) (i), (ii), (iii), or (iv) of this section only when the infraction is substantial.

(3) In any case in which a manufacturer knowingly submits false or inaccurate information or knowingly renders inaccurate or invalid any test data or commits any other fraudulent acts and such acts contribute substantially to the Administrator's decision to issue a certificate of conformity, the Administrator may deem such certificate void ab initio.

(4) In any case in which certification of a vehicle (or engine) is proposed to be withheld, denied, revoked, or suspended under paragraph (c)(1)(iii), or (c)(1)(iv) of this section, and in which the Administrator has presented to the manufacturer involved reasonable evidence that a violation of § 86.078–7(c) in fact occurred, the manufacturer, if he wishes to contend that, even though the violation occurred, the vehicle (or engine) in question was not involved in the violation to a degree that would warrant withholding denial, revocation, or suspension of certification under either paragraph (c)(1)(iii) or (c)(1)(iv) of this section, shall have the burden of establishing that contention to the satisfaction of the Administrator.

(5) Any revocation or suspension of certification under paragraph (c)(1) of this section shall:

(i) Be made only after the manufacturer concerned has been offered an opportunity for a hearing conducted in accordance with § 86.078–6 hereof.

(ii) Extend no further than to forbid the introduction into commerce of vehicles (or engines) previously covered by the certification which are still in the hands of the manufacturer, except in cases of such fraud or other misconduct as makes the certification invalid ab initio.

(6) The manufacturer may request in the form and manner specified in paragraph (b)(3) of this section that any determination made by the Administrator under paragraph (c)(1) of this section to withhold or deny certification be reviewed in a hearing conducted in accordance with § 86.078–6. If the Administrator finds, after a review of the request and supporting data, that the request raises a substantial factual issue, he will grant the request with respect to such issue.

(d)(1) Notwithstanding the fact that any vehicle configuration or engine family may be covered by a valid outstanding certificate of conformity, the Administrator may suspend such outstanding certificate of conformity in whole or in part with respect to such vehicle configuration or engine family if:

(i) The manufacturer refuses to comply with the provisions of a test order issued by the Administrator pursuant to § 86.603; or

(ii) The manufacturer refuses to comply with any of the requirements of § 86.603; or

(iii) The manufacturer submits false or incomplete information in any report or information provided pursuant to the requirements of § 86.609; or

(iv) The manufacturer renders inaccurate any test data which he submits pursuant to § 86.609; or

(v) Any EPA Enforcement Officer is denied access to a facility on the terms specified in § 86.606.

(vi) Any EPA Enforcement Officer is denied the opportunity on the terms specified in § 86.606, to:

(A) Monitor vehicle selection pursuant to § 86.607, or

(B) Select vehicles for testing pursuant to § 86.607, or

(C) Monitor vehicle testing performed to satisfy any of the requirements of this part; or

(vii) Any EPA Enforcement Officer is denied "reasonable assistance" as defined in § 86.606 in examining any of the items listed in that section; or

(viii) The manufacturer refuses to comply with the requirements of §§ 86.604(a), 86.605, and 86.607, 86.608, 86.610, or 86.611.

(2) The sanction of suspending a certificate may not be imposed for the reasons in paragraphs (d)(1)(i), (ii), or (viii) of this section where such refusal is caused by conditions and circumstances outside the control of the manufacturer which renders it impossible to comply with those requirements. Such conditions and circumstances shall include, but not be limited to, any uncontrollable factors which result in the temporary unavailability of equipment and personnel needed to conduct the required tests, such as equipment breakdown or failure or illness of personnel, but shall not include failure of the manufacturer to adequately plan for and provide the equipment and personnel needed to conduct the tests. The manufacturer will bear the burden of establishing the presence of the conditions and circumstances required by this paragraph.

(3) The sanctions of suspending a certificate may be imposed for the reasons in paragraphs (d)(1)(iii), (iv), (v), (vi), or (vii) of this section only when the infraction is substantial.

(4) In any case in which a manufacturer knowingly submitted false or inaccurate information or knowingly rendered inaccurate any test data or committed any other fraudulent acts, and such acts contributed substantially to the Administrator's original decision

not to suspend or revoke a certificate of conformity in whole or in part, the Administrator may deem such certificate void from the date of such fraudulent act.

(5) In any case in which certification of a vehicle is proposed to be suspended under paragraphs (d)(1)(v), (d)(1)(vi), or (d)(1)(vii) of this section, and in which the Administrator has presented to the manufacturer involved reasonable evidence that a violation of § 86.606 in fact occurred, the manufacturer, if he wishes to contend that even though the violation occurred, the vehicle configuration or engine family in question was not involved in the violation to the degree that would warrant suspension of certification under either paragraph (d)(1)(v), (d)(1)(vi), or (d)(1)(vii) of this section, shall have the burden of establishing that contention to the satisfaction of the Administrator.

(6) Any suspension of certification under paragraph (d)(1) of this section shall:

(i) Be made only after the manufacturer concerned has been offered an opportunity for a hearing conducted in accordance with § 86.613 hereof, and

(ii) Not apply to vehicles no longer in the hands of the manufacturer.

8. Section 86.081–35 is added. This section is identical to § 86.079–35 except for paragraphs (a)(1)(iii)(D) and (a)(1)(iii)(F).

§ 86.081–35 Labeling.

(a) The manufacturer of any motor vehicle (or motor vehicle engine) subject to the applicable emission standards of this subpart, shall, at the time of manufacture, affix a permanent legible label, of the type and in the manner described below, containing the information hereinafter provided, to all production models of such vehicles (or engines) available for sale to the public and covered by a certificate of conformity under § 86.081–30(a).

(1) *Light-duty vehicles and light-duty trucks.* (i) A permanent, legible label shall be affixed in a readily visible position in the engine compartment.

(ii) The label shall be affixed by the vehicle manufacturer who has been issued the certificate of conformity for such vehicle, in such a manner that it cannot be removed without destroying or defacing the label. The label shall not be affixed to any equipment which is easily detached from such vehicle.

(iii) The label shall contain the following information lettered in the English language in block letters and numerals, which shall be of a color that contrasts with the background of the label:

(A) The label heading: Vehicle Emission Control Information;

(B) Full corporate name and trademark of manufacturer;

(C) Engine displacement (in cubic inches), engine, family identification and evaporative family identification;

(D) Engine tune-up specifications and adjustments, as recommended by the manufacturer in accordance with the applicable high or low altitude emission standards, including but not limited to idle speed(s), ignition timing, the idle air-fuel mixture setting procedure and value (e.g., idle CO, idle air-fuel ratio, idle speed drop), high idle speed, initial injection timing, and valve lash (as applicable), as well as other parameters deemed necessary by the manufacturer. These specifications should indicate the proper transmission position during tune-up and what accessories (e.g., air conditioner), if any, should be in operation. If adjustments or modifications to the vehicle are necessary to insure compliance with either the emission standards at low altitude or the optional emission standards at high altitude, the manufacturer shall either include the instructions for such adjustments on the label, or indicate on the label where instructions for such adjustments may be found. The label shall indicate whether the engine tune-up or ajustment specifications are applicable to elevation below or above 4,000 feet.

(E) An unconditional statement of compliance with the appropriate model year U.S. Environmental Protection Agency regulations which apply to light-duty vehicles or light-duty trucks;

(F) For vehicles which demonstrate compliance with the optional high-altitude standards, a statement indicating that the vehicle was sold to the ultimate purchaser for principal use at high altitude.

(2) *Heavy-duty engines.* (i) A permanent legible label shall be affixed to the engine in a position in which it will be readily visible after installation in the vehicle.

(ii) The label shall be attached to an engine part necessary for normal engine operation and not normally requiring replacement during engine life.

(iii) The label shall contain the following information lettered in the English language in block letters and numerals which shall be of a color that contrasts with the background of the label:

(A) The label heading: Engine Exhaust Emission Control Information;

(B) Full corporate name and trademark of manufacturer;

(C) Engine displacement (in cubic inches) and engine family and model designations;

(D) Date of engine manufacturer (month and year);

(E) Engine specifications and adjustments as recommended by the manufacturer. These specifications should indicate the proper transmission position during tuneup and what accessories (e.g., air conditioner), if any, should be in operation;

(F) For gasoline-fueled engines the label should include the idle speed, ignition timing, and the idle air-fuel mixture setting procedure and value (e.g., idle CO, idle air-fuel ratio, idle speed drop), and valve lash.

(G) For Diesel engines the label should include the advertised hp at rpm, fuel rate at advertised hp in mm^3/stroke, valve lash, initial injection timing, and idle speed.

(H) An unconditional statement of compliance with appropriate model year (e.g., 1979) U.S. Environmental Protection Agency regulations applicable to heavy-duty engines.

(iv) The label may be made up of one or more pieces; *Provided,* That all pieces are permanently attached to the same engine or vehicle part as applicable.

(b) The provisions of this section shall not prevent a manufacturer from also reciting on the label that such vehicle (or engine) conforms to any applicable State emission standards for new motor vehicles (or new motor vehicle engines) or any other information that such manufacturer deems necessary for, or useful to, the proper operation and satisfactory maintenance of the vehicle (or engine).

(c)(1) The manufacturer of any light-duty vehicle or light-duty truck subject to the emission standards of this subpart, shall, in addition and subsequent to setting forth those statements on the label required by the Department of Transportation (DOT) pursuant to 49 CFR 567.4, set forth, on the DOT label or on an additional label located in proximity to the DOT label and affixed as described in 49 CFR 567.4(b), the following information in the English language, lettered in block letters and numerals not less than three thirty-seconds of an inch high, of a color that contrasts with the background of the label:

(i) The heading: "Vehicle Emission Control Information";

(ii) The statement: "This Vehicle Conforms to U.S. EPA Regulations Applicable to 1979 Model Year New Motor Vehicles."

(iii) One of the following statements, as applicable, in letters and numerals not less than six thirty-seconds of an

inch high and of a color that contrasts with the background of the label:

(A) For all vehicles certified as non-catalyst-equipped: "NON–CATALYST";

(B) For all vehicles certified as catalyst-equipped which are included in a manufacturer's catalyst control program for which approval has been given by the Administrator: "CATALYST–APPROVED FOR IMPORT";

(C) For all vehicles certified as catalyst-equipped which are not included in a manufacturer's catalyst control program for which prior approval has been given by the Administrator: "CATALYST."

(2) In lieu of selecting either of the labeling options of paragraph (c)(1) of this section, the manufacturer may add the information required by paragraph (c)(1)(iii) of this section to the label required by paragraph (a) of this section. The required information will be set forth in the manner prescribed by paragraph (c)(1)(iii) of this section.

(d) Incomplete light-duty trucks or incomplete heavy-duty vehicles optionally certified as light-duty trucks shall have the following statement printed on the label required in paragraph (a)(1) of this section in lieu of the statement required by paragraph (a)(1)(iii)(E) of this section: "This vehicle conforms to U.S EPA regulations applicable to 19—— Model Year New Motor Vehicles when completed at a maximum curb weight of ———— pounds and a maximum frontal area of ———— square feet."

(e) Incomplete heavy-duty vehicles having an 8,500 pound gross vehicle weight rating or less shall have the following statement printed on the label required in paragraph (a)(2) or (a)(3) of this section in lieu of the statement required by paragraph (a)(2)(iii)(F) or (a)(3)(iii)(F) of this section: "This engine conforms to U.S. EPA regulations applicable to 19—— Model Year New Heavy-Duty Engines when installed in a vehicle completed at a curb weight of more than 6,000 pounds or with a frontal area greater than 45 square feet."

(f) The manufacturer of any incomplete vehicle shall notify the purchaser of such vehicle of any curb weight, frontal area, or gross vehicle weight rating limitations affecting the emissions certificate applicable to that vehicle. This notification shall be transmitted in a manner consistent with National Highway Traffic Safety Administration safety notification requirements published in 49 CFR Part 568.

(Secs. 202, 206, 301, Clean Air Act as amended, 42 U.S.C. 7521, 7525, and 7601(a).)

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Part III

Department of Transportation

Research and Special Programs Administration

Pipeline Safety Enforcement Procedures

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 190

[MTB Docket No. 3]

Pipeline Safety Enforcement Procedures

AGENCY: Materials Transportation Bureau (MTB), DOT.

ACTION: Final rule.

SUMMARY: This document adds a new Part 190 to Title 49, Code of Federal Regulations that prescribes procedures to be followed by the MTB in carrying out its enforcement responsibilities under the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1671 *et seq.*). (NGPSA), as amended, and the Hazardous Liquid Pipeline Safety Act of 1979 (HLPSA) (Title II of Pub. L. 96–129, November 30, 1979). Beyond assuring compliance with the terms of those Acts, the procedures in new Part 190 will be followed in enforcing the Federal pipeline safety regulations contained in Parts 191, 192, 193, and 195. Additionally, several general procedures are prescribed for the service of documents and subpoenas.

EFFECTIVE DATE: March 27, 1980.

FOR FURTHER INFORMATION CONTACT: Paul Biancardi, Office of the Chief Counsel, Research and Special Programs Administration, U.S. Department of Transportation, Washington, D.C. 20590 (202) 755–4972.

SUPPLEMENTARY INFORMATION:

Subpart A—General Provisions

Section 190.3 defines the NGPSA and the HLPSA and reflects the inclusion in Part 190 of new authority available to the MTB as a result of enactment of the Pipeline Safety Act of 1979 (Pub. L. 96–129, November 30, 1979). Reference is also made in this part to the Hazardous Materials Transportation Act of 1974 (HMTA) to reflect MTB's intention to follow the Part 190 procedures in enforcing pipeline safety regulations adopted on the authority of the HMTA, i.e. Part 192 regulations as they apply to "offshore gas gathering lines". The section also sets forth the relationship of the enforcement office within the Materials Transportation Bureau (MTB) to the RSPA, reflecting the redelegation of enforcement responsibility to the Office of Operations and Enforcement (OOE). Section 190.3 also defines "hearing" in order to clarify the nature of the adjudicatory forum in which persons subject to Part 190 proceedings may participate.

Section 190.5 prescribes the means for effecting service of documents, notices of violations, and orders upon persons subject to enforcement proceedings.

Section 190.7 specifies who has authority to issue subpoenas for the purpose of carrying out MTB's enforcement responsibilities. It also prescribes the method of service and payment of witness fees.

Subpart B—Enforcement

Subpart B of new Part 190 describes the investigative procedures and enforcement authorities exercised by OOE for the purpose of assuring compliance with the Federal pipeline safety regulations. It also prescribes procedures governing OOE's imposition of sanctions with respect to violations of those regulations.

Section 190.203 describes the manner and policy in which the OOE conducts its inspections of pipeline facilities and reflects the regional inspection method currently employed by the OOE's field investigation program.

Section 190.205 provides for the issuance of warning letters as a means of seeking corrective action to alleged violations of law or regulation. Such warning letters are an alternative to immediately commencing formal enforcement proceedings under §§ 190.215 through 190.235.

The two primary enforcement sanctions available to MTB are compliance orders and civil penalties. The first involves issuance of an order mandating necessary compliance with law or regulation. The second involves assessing a civil penalty for violation of such law or regulation. Procedures governing the processing of these individual enforcement actions are covered in §§ 190.207 through 190.213. To impose either a civil penalty or a compliance order, the OOE must follow the procedures outlined in § 190.207, "Notice of Probable Violation", § 190.209, "Response Options", § 190.211, "Hearing", and § 190.213, "Final Order". Each of these sections prescribes the adjudicatory process by which a sanction, whether civil penalty or compliance order, may be imposed against persons subject to the pipeline safety regulations.

The compliance order and civil penalty procedures are similar. Both are initiated by the issuance of a notice of probable violation with the respondent having 30 days in which to reply. Both provide the respondent with an opportunity to present a rebuttal to the allegations, in writing or orally, or a combination of both. They also provide means for settlement through informal compromise. In addition, both provide the respondent with options as to the degree of formality with which the matter is to be processed.

Under separate headings, the remainder of Subpart B (§§ 190.215 to 190.233) describes the various enforcement sanctions available to the OOE. The four types of enforcement sanctions include the already mentioned compliance orders and civil penalties as well as criminal penalties and injunctive actions.

Section 190.215 provides a method of administrative review of a final order issued under § 190.213, by allowing a petition for reconsideration of the findings made in a final order. In compliance order cases, a compromise is possible by negotiation between the OOE and the respondent of a consent order under § 190.219.

Section 190.223 describes the statutory civil penalty liability to which a respondent may be exposed when violations are proved. Section 190.225 lists the statutory criteria which are considered in assessing such a civil penalty. Section 190.227 prescribes the method of payment of civil penalties whether by compromise or assessment in a final order.

Section 190.229 reflects the criminal penalty provided for in the NGPSA, HMTA, and the HLPSA. Section 190.231 describes the procedures followed by the OOE, the MTB and the RSPA with respect to possible criminal violations.

Hazardous Facility Orders

In addition to sanctions available for violations of the NGPSA, HLPSA, HMTA or regulations or orders issued under any of those Acts the OOE may issue orders directing specific action by the respondent in the absence of any violations, if OOE finds that a pipeline facility is hazardous to life or property. Section 190.233 under SPECIFIC RELIEF, implements and largely repeats statutory language contained in both the NGPSA and the HLPSA. Adjudicatory procedures similar to those contained in §§ 190.207 through 190.213, apply to such orders. However, in the case of hazardous facility orders, OOE may waive the hearing requirement when it determines that failure to do so would result in the likelihood of serious harm to life or property but must provide the respondent the opportunity for a hearing as soon as practicable after issuance of the order.

Since these rules relate to practice and procedures of the RSPA, MTB and OOE, notice and public procedure thereon is not necessary. However, because the RSPA contemplates a

review of these procedures after they have been in operation for at least six months, and since it is desirous of public participation in that review, interested persons are invited to submit such comments as they desire. All comments received before the close of business on September 30, 1980, will be considered during the review and will be available in the Office of the Chief Counsel, both before and after that date.

In consideration of the foregoing, 49 CFR Subchapter D is amended by adding a new Part 190, reading as follows:

PART 190—PIPELINE SAFETY PROGRAM PROCEDURES

Subpart A—General

Sec.

190.1 Purpose and scope.
190.3 Definitions.
190.5 Service.
190.7 Subpoenas; witness fees.

Subpart B—Enforcement

190.201 Purpose and scope.
190.203 Inspections.
190.205 Warning.
190.207 Notice of probable violations.
190.209 Response options.
190.211 Hearing.
190.213 Final order.
190.215 Petition for reconsideration.

Compliance Orders

190.217 Compliance orders generally.
190.219 Consent order.

Civil Penalties

190.221 Civil penalties generally.
190.223 Maximum penalties.
190.225 Assessment considerations.
190.227 Payment of penalty.

Criminal Penalties

190.229 Criminal penalties generally.
190.231 Referral for prosecution.

Specific Relief

190.233 Hazardous facility.
190.235 Injunctive action.

Authority: 49 U.S.C. 1672, 1677, 1679, 1679b, 1680, 1681; 49 U.S.C. 2002, 2006, 2007, 2008, 2009, 2010; sections applicable to offshore gas gathering lines also issued under 49 U.S.C. 1804; 59 CFR 1.53 and Appendix A to Part I.

Subpart A—General

§ 190.1 Purpose and scope.

(a) This part prescribes procedures utilized by the Materials Transportation Bureau and the Office of Operations and Enforcement in carrying out their duties regarding pipeline safety under the Natural Gas Pipeline Safety Act of 1968, as amended (49 U.S.C. 1671 *et. seq.*), the Hazardous Liquid Pipeline Safety Act of 1979 (Title II of Pub. L. 96–129 November 30, 1979), and the Hazardous Materials Transportation Act, as amended (49 U.S.C. 1801 *et. seq.*).

(b) This subpart defines certain terms and prescribes procedures that are applicable to each proceeding described in this Part.

§ 190.3 Definitions.

As used in this part:

(a) "The NGPSA" means the Natural Gas Pipeline Safety Act of 1968, as amended 49 U.S.C. 1671 *et. seq.* The regulations prescribed in this part and Parts 191, 192 and 193 of Subchapter D are issued under the authority of the NGPSA.

(b) "The HLPSA" means the Hazardous Liquid Pipeline Safety Act of 1979 (Title II of Pub. L. 96–129). The regulations prescribed in this part and Part 195 of Subchapter D are issued under the authority of the HLPSA.

(c) The "HMTA" means the Hazardous Materials Transportation Act of 1974 (49 U.S.C. 1801 *et seq.*). The regulations prescribed in this part and Part 192 as they apply to "offshore gas gathering lines" are issued under the HMTA.

(d) "MTB" means the Materials Transportation Bureau which is part of the Research and Special Programs Administration, U.S. Department of Transportation.

(e) "OOE" means the Office of Operations and Enforcement, which is part of the Materials Transportation Bureau, Research and Special Programs Administration, U.S. Department of Transportation.

(f) "Region Chief" means the Chief or his designee of any one of the Regional Offices of the Office of Operations and Enforcement. Regional Offices are located in Washington, D.C. (Eastern Region); Atlanta, Georgia (Southern Region); Kansas City, Missouri (Central Region); Houston, Texas (Southwest Region); and Burlingame, California (Western Region).

(g) "Presiding Official" means the person who conducts any hearing relating to civil penalty assessments, compliance orders or hazardous facility orders.

(h) "Person" means any individual, firm, joint venture, partnership, corporation, association, State, municipality, cooperative association, or joint stock association, and includes any trustee, receiver, assignee, or personal representative thereof.

(i) "Respondent" means a person upon whom the OOE has served a notice of probable violation.

(j) "State" means a State of the United States, the District of Columbia and the Commonwealth of Puerto Rico.

(k) "Hearing" means an informal conference or a proceeding for oral presentation. Unless otherwise specifically prescribed in this part, the use of "hearing" is not intended to require a hearing on the record in accordance with Section 554 of Title 5, United States Code.

§ 190.5 Service.

(a) Each order, notice, or other document required to be served under this part shall be served personally or by registered or certified mail.

(b) Service upon a person's duly authorized representative or agent constitutes service upon that person.

(c) Service by registered or certified mail is complete upon mailing. An official United States Postal Service receipt from the registered or certified mailing constitutes prima facie evidence of service.

§ 190.7 Subpoenas; witness fees.

(a) The Director, MTB, the Chief Counsel, Research and Special Programs Administration, or the official designated by the Director, MTB to preside over a hearing convened in accordance with this part, may sign and issue subpoenas either on his own initiative or, upon request and adequate showing by any person participating in the proceeding that the information sought will materially advance the proceeding.

(b) A subpoena may require the attendance of a witness, or the production of documentary or other tangible evidence in the possession or under the control of person served, or both.

(c) A subpoena may be served personally by any person who is not an interested person and is not less than 18 years of age, or by certified or registered mail.

(d) Service of a subpoena upon the person named therein shall be made by delivering a copy of the subpoena to such person and by tendering the fees for one day's attendance and mileage as specified by paragraph (g) of this section. When a subpoena is issued at the instance of any officer or agency of the United States, fees and mileage need not be tendered at the time of service. Delivery of a copy of a subpoena and tender of the fees to a natural person may be made by handing them to the person, leaving them at his office with the person in charge thereof, leaving them at his dwelling place or usual place of abode with some person of suitable age and discretion then residing therein, by mailing them by registered or certified mail to him at his last known address, or by any method whereby

actual notice is given to him and the fees are made available prior to the return date.

(e) When the person to be served is not a natural person, delivery of a copy of the subpoena and tender of the fees may be effected by handing them to a designated agent or representative for service, or to any officer, director, or agent in charge of any office of the person, or by mailing them by registered or certified mail to that agent or representative and the fees are made available prior to the return date.

(f) The original subpoena bearing a certificate of service shall be filed with the official having responsibility for the proceeding in connection with which the subpoena was issued.

(g) A subpoenaed witness shall be paid the same fees and mileage as would be paid to a witness in a proceeding in the district courts of the United States. The witness fees and mileage shall be paid by the person at whose instance the subpoena was issued.

(h) Notwithstanding the provisions of paragraph (g) of this section, and upon request, the witness fees and mileage may be paid by the MTB if the official who issued the subpoena determines on the basis of good cause shown, that:

(1) The presence of the subpoenaed witness will materially advance the proceeding; and

(2) The person at whose instance the subpoena was issued would suffer a serious hardship if required to pay the witness fees and mileage.

(i) Any person to whom a subpoena is directed may, prior to the time specified therein for compliance, but in no event more than 10 days after the date of service of such subpoena, apply to the official who issued the subpoena, or if he is unavailable, to the Director, MTB, to quash or modify the subpoena. The application shall contain a brief statement of the reasons relied upon in support of the action sought therein. The Director, MTB, or this issuing official, as the case may be, may:

(1) Deny the application;

(2) Quash or modify the subpoena; or

(3) Condition a grant or denial of the application to quash or modify the subpoena upon the satisfaction of certain just and reasonable requirements. The denial may be summary.

(j) Upon refusal to obey a subpoena served upon any person under the provisions of this section, the MTB may request the Attorney General to seek the aid of the United States District Court for any District in which the person is found to compel that person, after notice, to appear and give testimony, or to appear and produce the subpoenaed documents before the MTB, or both.

Subpart B—Enforcement

§ 190.201 Purpose and scope.

(a) This subpart describes the enforcement authority and sanctions exercised by the OOE for achieving and maintaining pipeline safety. It also prescribes the procedures governing the exercise of that authority and the imposition of those sanctions.

(b) A person who is the subject of action pursuant to this subpart may be represented by legal counsel at all stages of the proceeding.

§ 190.203 Inspections.

(a) Officers, employees, or agents authorized by the Associate Director, OOE, upon presenting appropriate credentials are authorized to enter upon, inspect, and examine, at reasonable times and in a reasonable manner, the records and properties of persons to the extent such records and properties are relevant to determining the compliance of such persons with the HLPSA, NGPSA, HMTA or regulations, or orders issued thereunder.

(b) Inspections are ordinarily conducted pursuant to one of the following:

(1) Routine scheduling by the Chief of the Region in which the facility is located;

(2) A complaint received from a member of the public;

(3) Information obtained from a previous inspection;

(4) Report from a State agency participating in the Federal program under section 5 of the NGPSA or section 205 of the HLPSA;

(5) Pipeline accident or incident; or

(6) Whenever deemed appropriate by the Director, MTB or his designee.

(c) If, after an inspection, the OOE believes that further information is needed to determine appropriate action, OOE may send the owner or operator a "Request for Specific Information" to be answered within 30 days after receipt of the letter.

(d) To the extent necessary to carry out his responsibilities under the HLPSA, HMTA or the NGPSA, the Director, MTB may require testing of portions of pipeline facilities subject to those Acts which have been involved in or affected by an accident. However, before exercising such authority, the Director, MTB shall make every effort to negotiate a mutually acceptable plan with the owner of such facilities and, where appropriate, the National Transportation Safety Board for performing such testing.

(e) When the information obtained from an inspection or from other appropriate sources indicates that further OOE action is warranted, the OOE issues a warning letter under § 190.205 or initiates one or more of the enforcement proceedings prescribed in §§ 190.207 through 190.235.

§ 190.205 Warning letters.

Upon determining that a probable violation of the NGPSA, HLPSA, or HMTA or any regulation or order issued under any of those Acts has occurred, the OOE may issue a Warning Letter notifying the owner or operator of the probable violation and advising him to correct it or be subject to enforcement action under §§ 190.207 through 190.235.

§ 190.207 Notice of probable violation.

(a) Except as otherwise provided by this subpart, a Region Chief begins an enforcement proceeding by serving a notice of probable violation on a person charging him with a probable violation of the NGPSA, HLPSA, or HMTA or any regulation or order issued thereunder.

(b) A notice of probable violation issued under this section shall include:

(1) Statement of the provisions of the laws, regulations or orders which the respondent is alleged to have violated and a statement of the evidence upon which the allegations are based;

(2) Notice of response options available to the respondent under § 190.209;

(3) If a civil penalty is proposed under § 190.221, the amount of the proposed civil penalty and the maximum civil penalty for which respondent is liable under law; and

(4) If a compliance order is proposed under § 190.217, a statement of the remedial action being sought in the form of a proposed compliance order.

(c) OOE may amend a notice of probable violation at any time prior to issuance of a final order under § 190.213. If an amendment includes any new material allegations of fact or proposes an increased civil penalty amount or new or additional remedial action under § 190.217, the respondent shall have the opportunity to respond under § 190.209.

§ 190.209 Response options.

Within 30 days of his receipt of a notice of probable violation the respondent shall respond to the Region Chief who issued the Notice in the following way:

(a) When the notice contains a proposed civil penalty—

(1) Pay the proposed civil penalty as provided in § 190.227 and close the case;

(2) Submit an offer in compromise of the proposed civil penalty under

paragraph (c) of this section and paragraph (a) of § 190.227;

(3) Submit written explanations, information or other materials in answer to the allegations or in mitigation of the proposed civil penalty; or

(4) Request a hearing under § 190.211.

(b) When the notice contains a proposed compliance order—

(1) Agree to the proposed compliance order;

(2) Request the execution of a consent order under § 190.219;

(3) Object to the proposed compliance order and submit written explanations, information or other materials in answer to the allegations in the notice of probable violation; or

(4) Request a hearing under § 190.211.

(c) An offer in compromise under paragraph (a) of this section is made by submitting a check or money order for the amount offered to the Region Chief who forwards the offer to the Associate Director, OOE, for action. If the offer in compromise is accepted by the Associate Director, OOE, the respondent is notified in writing that the acceptance is in full settlement of the civil penalty action. If an offer in compromise submitted under paragraph (a) of this section is rejected by OOE, it is returned to the respondent with written notification. Within 10 days of his receipt of such notification, the respondent shall again respond to the Region Chief in one or more of the ways provided in paragraph (a) of this section.

(d) Failure of the respondent to respond in accordance with paragraph (a) of this section or, when applicable, paragraph (c) of this section, constitutes a waiver of his right to contest the allegations in the notice of probable violation and authorizes the Associate Director, OOE, without further notice to the respondent, to find facts to be as alleged in the notice of probable violation and to issue a final order under § 190.213.

§ 190.211 Hearing.

(a) A request for a hearing in response to a notice of probable violation issued under § 190.207 must be accompanied by a statement of the issues which the respondent intends to raise at the hearing. The issues may relate to the alleged violations, new information or to the proposed compliance order or proposed civil penalty amount. A respondent's failure to specify an issue may result in waiver of his right to raise that issue at the hearing. The respondent's request must also indicate whether or not he will be represented by counsel at the hearing.

(b) In such circumstances as deemed appropriate by the Region Chief, and only if the respondent concurs, a telephone conference may be held in lieu of a hearing.

(c) If the respondent contests any of the alleged violations, if the respondent is represented by counsel or if the respondent specifically requests that an attorney conduct the hearing, an attorney from the Office of the Chief Counsel, Research and Special Programs Administration, serves as the presiding official at the hearing. Otherwise, the hearing may be conducted by a representative of the OOE Region in which the facility is located.

(d) The hearing is conducted informally without strict adherence to rules of evidence. The respondent may submit any relevant information and material and call witnesses on his behalf. He also may examine the evidence and witnesses against him. No detailed record of a hearing is prepared.

(e) At the outset of the hearing, the material in the case file pertinent to the issues to be determined is presented by the presiding official. The respondent may examine and respond to or rebut this material.

(f) After the presentation of the material in the case file, the respondent may offer any facts, statements, explanations, documents, testimony or other items which are relevant to the issues under consideration.

(g) At the close of the respondent's presentation, the presiding official may present or allow the presentation of any OOE rebuttal information. The respondent may then respond to that information.

(h) After the evidence in the case has been presented, the presiding official shall permit argument on the issues under consideration.

(i) The respondent may also request an opportunity to submit further written materal for inclusion in the case file. The presiding official shall allow a reasonable time for the submission of the material and shall specify the date by which it must be submitted. If the material is not submitted within the time prescribed, the case shall proceed to final action without the material.

(j) After submission of all materials during and after the hearing, the presiding official shall prepare a written recommendation as to final action in the case. This recommendation, along with any material submitted during and after the hearing, shall be included in the case file which is forwarded to the Associate Director, OOE, for final administrative action.

§ 190.213 Final order.

(a) After a hearing under § 190.211 or, if no hearing has been held, after expiration of the 30 day response period prescribed in § 190.209, the case file of an enforcement proceeding commenced under § 190.207 is forwarded to the Associate Director, OOE, for issuance of a final order.

(b) The case file of an enforcement proceeding commenced under § 190.207 includes—

(1) The inspection reports and any other evidence of alleged violations;

(2) A copy of the notice of probable violation issued under § 190.207;

(3) Material submitted by the respondent in accord with § 190.209 in response to the notice of probable violation;

(4) The Region Chief's evaluation of response material submitted by the respondent and his recommendation for final action to be taken under this section; and

(5) In cases involving a § 190.211 hearing, any material submitted during and after the hearing and the presiding official's recommendation for final action to be taken under this section.

(c) Based on his review of a case file described in paragraph (b) of this section, the Associate Director, OOE, shall issue a final order that includes—

(1) A statement of findings and determinations on all material issues, including a determination as to whether each alleged violation has been proved;

(2) If a civil penalty is assessed, the amount of the penalty and the procedures for payment of the penalty, provided that the assessed civil penalty may not exceed the penalty proposed in the notice of probable violation; and

(3) If a compliance order is issued, a statement of the actions required to be taken by the respondent and the time by which such actions must be accomplished.

(d) Except as provided by § 190.215, an order issued under this section regarding an enforcement proceeding is considered final administrative action on that enforcement proceeding.

(e) It is the policy of the Associate Director, OOE, to issue a final order under this section within 45 days of receipt of the case file, unless it is found impracticable to take action within that time. In cases where it is so found and the delay beyond that period is expected to be substantial, notice of that fact and the date by which it is expected that action will be taken is issued to the respondent.

§ 190.215 Petitions for reconsideraton.

(a) A respondent may petition the Associate Director, OOE, for reconsideration of a final order issued under § 190.213. It is requested, but not required, that three copies be submitted.

The petition must be received no later than 20 days after service upon the respondent of the final order. Petitions received after that time will not be considered. The petition must contain a brief statement of the complaint and an explanation as to why the effectiveness of the final order should be stayed.

(b) If the respondent requests the consideration of additional facts or arguments he must state the reasons they were not presented prior to issuance of the final order.

(c) The Associate Director, OOE, does not consider repetitious information, arguments, or petitions.

(d) Unless the Associate Director, OOE, otherwise provides, the filing of a petition under this section does not stay the effectiveness of the final order.

(e) The Associate Director, OOE, may grant or deny, in whole or in part, any petition for reconsideration without further proceedings. In the event he determines to reconsider a final order, he may issue a final decision on reconsideration without further proceedings, or he may provide such opportunity to submit comment or information and data as he deems appropriate.

(f) It is the policy of the Associate Director, OOE, to issue notice of the action taken on a petition for reconsideration within 20 days after receipt of the petition, unless it is found impracticable to take action within that time. In cases where it is so found and delay beyond that period is expected to be substantial, notice of that fact and the date by which it is expected that action will be taken is issued to the respondent.

Compliance Orders

§ 190.217 Compliance orders generally.

When the OOE has reason to believe that a person is engaging in conduct which involves a violation of the NGPSA, HMTA or the HLPSA or any regulation issued under any of those Acts, and if the nature of the violation, and the public interest warrant, the OOE may conduct proceedings under §§ 190.207 through 190.213 of this part to determine the nature and extent of the violations and to issue an order directing compliance.

§ 190.219 Consent order.

(a) At any time before the issuance of a compliance order under § 190.213 the Associate Director, OOE, and the respondent may agree to dispose of the case by joint execution of a consent order. Upon such joint execution, the consent order shall be considered a final order under § 190.213.

(b) A consent order executed under subsection (a) of this section shall include:

(1) An admission by the respondent of all jurisdictional facts;

(2) An express waiver of further procedural steps and of all right to seek judicial review or otherwise challenge or contest the validity of that order;

(3) An acknowledgement that the notice of probable violation may be used to construe the terms of the consent order; and

(4) A statement of the actions required of the respondent and the time by which such actions shall be accomplished.

Civil Penalties

§ 190.221 Civil penalities generally.

When the OOE has reason to believe that a person has committed an act which is a violation of any provision of the NGPSA, HMTA or the HLPSA or any regulation or order issued under any of those Acts, it may conduct proceedings under §§ 190.207 through 190.213 to determine the nature and extent of the violations and to assess and, if appropriate, compromise a civil penalty.

§ 190.223 Maximum penalties.

(a) Any person who violates a provision of the NGPSA or the HLPSA or any regulation or order issued under either of those Acts, is subject to a civil penalty not to exceed $1,000 for each violation for each day the violation continues except that the maximum civil penalty may not exceed $200,000 for any related series of violations.

(b) Any person who knowingly violates a regulation or order under this subchapter applicable to offshore gas gathering lines issued under the authority of the HMTA is liable for a civil penalty of not more than $10,000 for each violation, and if any such violation is a continuing one, each day of violation constitutes a separate offense.

(c) Any person who is determined to have violated any standard or order under section 6 or 7(b) of the NGPSA shall be subject to a civil penalty of not to exceed $50,000, which penalty shall be in addition to any other penalties to which such person may be subject under paragraph (a) of this section.

(d) No person shall be subject to a civil penalty under this section for the violation of any requirement of this subchapter and an order issued under § 190.217, § 190.219 or § 190.233 if both violations are based on the same act.

§ 190.225 Assessment considerations.

The Associate Director, OOE, assesses a civil penalty under this Part only after considering:

(a) The nature, circumstances and gravity of the violation;

(b) The degree of the respondent's culpability;

(c) The respondent's history of prior offenses;

(d) The respondent's ability to pay;

(e) Any good faith by the respondent in attempting to achieve compliance;

(f) The effect on the respondent's ability to continue in business; and

(g) Such other matters as justice may require.

§ 190.227 Payment of penalty.

(a) Payment by a respondent of a civil penalty proposed, assessed, or compromised under this subpart must be made by certified check or money order payable to the Treasury of the United States. Except as provided by § 190.209, such payment is sent to the Office of the Chief Counsel (DCC–1), Research and Special Programs Administration, Department of Transportation, Washington, D.C. 20590.

(b) If a respondent fails to pay the full amount of a civil penalty assessed in a final order issued under § 190.213 or make an offer in compromise to the assessed penalty as provided by paragraph (c) of this section within 20 days after receipt of the final order, the Chief Counsel may refer the case to the Attorney General with a request that an action to collect the assessed penalty be brought in the appropriate United States district court or the Federal magistrate court within that district to the extent permitted under 28 U.S.C. 636.

(c) Within 20 days after the respondent's receipt of a final order assessing a civil penalty issued under § 190.213, the respondent may offer to compromise the assessed penalty by submitting, in the manner required by paragraph (a) of this section, payment in the amount offered. The Chief Counsel or his designee may accept or reject the compromise offer on behalf of the Associated Director, OOE. If it is accepted, the respondent is notified in writing that the acceptance is in full settlement of the civil penalty action. If the compromise offer is rejected it will be returned to the respondent with written notification. Within 20 days after the respondent's receipt of such notification, payment of the full amount of the civil penalty assessed in the final order becomes due. The provisions of paragraph (b) of this section regarding district court or Federal magistrate court action for penalty collection apply upon failure of the respondent to pay the assessed penalty within that time period.

(d) If the respondent elects to make an offer in compromise to a civil penalty

proposed in a notice of probable violation issued under § 190.207, he shall do so in accord with the procedures of § 190.209.

Criminal Penalties

§ 190.229 Criminal penalties generally.

(a) Any person who willfully and knowingly violates a provision of the NGPSA or the HLPSA or any regulation or order issued thereunder shall upon conviction be subject for each offense to a fine of not more than $25,000 and imprisonment for not more than five years, or both.

(b) Any person who willfully violates a regulation or order under this subchapter issued under the authority of the HMTA applicable to offshore gas gathering lines shall upon conviction be subject for each offense to a fine of not more than $25,000, imprisonment for a term not to exceed 5 years, or both.

(c) Any person who willfully and knowingly injures or destroys, or attempts to injure or destroy, any interstate transmission facility (as that term is defined in the NGPSA) or any interstate pipeline facility (as that term is defined in the HLPSA) shall, upon conviction, be subject, for each offense, to a fine of not more than $25,000, imprisonment for a term not to exceed 15 years, or both.

(d) No person shall be subject to criminal penalties under paragraph (a) of this section for violation of any regulation and the violation of any order issued under § 190.217, § 190.219 or § 190.229 if both violations are based on the same act.

§ 190.231 Referral for prosecution.

If an employee of MTB becomes aware of any actual or possible activity subject to criminal penalties under § 190.229, he reports it to the Office of the Chief Counsel, Research and Special Programs Administration, U.S. Department of Transportation, Washington, D.C. 20590. The Chief Counsel refers the report to OOE for investigation. Upon completion of the investigation and if appropriate, the Chief Counsel or his designee refers the report to the Department of Justice for criminal prosecution of the offender.

Specific Relief

§ 190.233 Hazardous facility orders.

(a) Except as provided by paragraph (b) of this section, if the Associate Director, OOE, finds, after reasonable notice and opportunity for hearing in accord with paragraph (c) of this section, a particular pipeline facility to be hazardous to life or property, he shall issue an order pursuant to this section requiring the owner or operator of the facility to take corrective action. Corrective action may include suspended or restricted use of the facility, physical inspection, testing, repair, replacement, or other action, as appropriate.

(b) The Associate Director, OOE, may waive the requirement for notice and hearing under paragraph (a) of this section before issuing an order pursuant to this section when he determines that the failure to do so would result in the likelihood of serious harm to life or property. However, he shall include in the order an opportunity for hearing as soon as practicable after issuance of the order. The provisions of paragraph (c)(2) of this section apply to an owner or operator's decision to exercise such an opportunity for hearing. The purpose of such a post-order hearing is for the Associate Director, OOE, to determine whether the order should remain in effect or be rescinded or suspended in accord with paragraph (g) of this section.

(c) Notice and hearing:

(1) Written notice that OOE intends to issue an order under this section shall be served in accordance with § 190.5, upon the owner or operator of an alleged hazardous facility. The notice shall allege the existence of a hazardous facility, stating the facts and circumstances supporting the issuance of a "hazardous facility order", and providing the owner or operator an opportunity for a hearing, identifying the time and location of the hearing.

(2) An owner or operator elects to exercise his opportunity for a hearing under this section, by notifying the OOE of that election in writing within 10 days of service of the notice provided under paragraph (c)(1) of this section or when applicable, under paragraph (b) of this section.

Absence of such written notification waives an owner or operator's opportunity for a hearing and allows the Associate Director, OOE, to proceed to issue a "hazardous facility order" in accordance with paragraphs (d) through (h) of this section.

(3) A hearing under this section shall be presided over by an attorney from the Office of Chief Counsel, Research and Special Programs Administration, acting as Presiding Official, and conducted without strict adherence to rules of evidence. The Presiding Official presents the allegations contained in the notice issued under this section. The owner or operator of the alleged hazardous facility may submit any relevant information or materials, call witnesses and present arguments on the issue of whether or not a "hazardous facility order" should be issued.

(4) Within 48 hours after conclusion of a hearing under this section, the Presiding Official shall submit a recommendation to the Associate Director, OOE, as to whether or not a "hazardous facility order" is required. Upon receipt of the recommendation, the Associate Director, OOE, shall proceed in accordance with paragraphs (d) through (h) of this section. If the Associate Director, OOE, finds the facility to be hazardous to life or property he shall issue an order in accordance with this section. If he does not find the facility to be hazardous to life or property, the Associate Director, OOE, shall dismiss the allegations contained in the notice, and promptly notify the owner or operator in writing by service as prescribed in § 190.5.

(d) The Associate Director, OOE, may find a pipeline facility to be hazardous under paragraph (a) of this section—

(1) If under the facts and circumstances he determines the particular facility is hazardous to life or property; or

(2) If the pipeline facility or a component thereof has been constructed or operated with any equipment, material, or technique which he determines is hazardous to life or property, unless the operator involved demonstrates to the satisfaction of the OOE that, under the particular facts and circumstances involved, such equipment, material, or technique is not hazardous to life or property.

(e) In making a determination under paragraph (d), the Associate Director, OOE, shall consider, if relevant—

(1) The characteristics of the pipe and other equipment used in the pipeline facility involved, including its age, manufacturer, physical properties including its age, manufacturer, physical properties (including its resistance to corrosion and deterioration), and the method of its manufacture, construction or assembly;

(2) The nature of the materials transported by such facility (including their corrosive and deteriorative qualities), the sequence in which such materials are transported, and the pressure required for such transportation;

(3) The aspects of the areas in which the pipeline facility is located, in particular the climatic and geologic conditions (including soil characteristics) associated with such areas, and the population density and population and growth patterns of such areas;

(4) Any recommendation of the National Transportation Safety Board

issued in connection with any investigation conducted by the Board; and

(5) Such other factors as the Associate Director, OOE, may consider appropriate.

(f) The order shall contain the following information:

(1) A finding that the pipeline facility is hazardous to life or property.

(2) The relevant facts which form the basis for that finding.

(3) The legal basis for the order.

(4) The nature and description of particular corrective action required of the respondent.

(5) The date by which the required action must be taken, or completed and, where appropriate, the duration of the order.

(6) If a hearing has been waived pursuant to paragraph (b), a statement that an opportunity for a hearing is provided at a particular location and at a certain time after issuance of the order.

(g) The Associate Director, OOE, shall rescind or suspend a "hazardous facility order" whenever he determines that the facility is no longer hazardous to life or property. When appropriate, however, such a recision or suspension may be accompanied by a notice of probable violation issued under § 190.207.

(h) At any time after an order issued under this section has become effective, the Associate Director, OOE, may request the Attorney General to bring an action for appropriate relief in accordance with § 190.235.

(i) Upon petition by the Attorney General, the District Courts of the United States shall have jurisdiction, to enforce orders issued under this section by appropriate means.

§ 190.235 Injunctive action.

Whenever it appears to OOE that a person has engaged, is engaged, or is about to engage in any act or practice constituting a violation of any provision of the NGPSA, the HLPSA or the HMTA, or any regulations issued under any of those Acts, the Director, MTB, or his delegate, may request the Attorney General to bring an action in the appropriate United States District Court for such relief as is necessary or appropriate, including mandatory of prohibitive injunctive relief, interim equitable relief, and punitive damages as provided by section 12(a) of the NGPSA, section 209(a) of the HLPSA and section 111(a) of the HMTA.

Issued in Washington, D.C., March 19, 1980.

L. D. Santman,

Director, Materials Transportation Bureau.

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federal register

Thursday
March 27, 1980

Part IV

Department of the Treasury

Bureau of Alcohol, Tobacco and Firearms

Completely Denatured Alcohol Formula No. 20

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 211 and 212

[T.D. ATF-67]

New and Revised Formulas, Completely Denatured Alcohol Formula No. 20

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF).

ACTION: Temporary rule, Treasury decision.

SUMMARY: This temporary rule amends the regulations relating to denatured alcohol and rum. The amendments establish a new formula for completely denatured alcohol and authorize the use of automotive-gasoline as a denaturant. The Bureau of Alcohol, Tobacco and Firearms will issue final regulations only after careful consideration of the comments received on these temporary regulations.

EFFECTIVE DATE OF TEMPORARY REGULATIONS: March 27, 1980.

FOR FURTHER INFORMATION CONTACT: John Jarowski or Norman Blake, Specialists, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC 20226, 202–566–7626.

SUPPLEMENTARY INFORMATION:

Background Information

This rule is in response to suggestions from members of the alcohol fuels industry. The increasing interest in fuel uses of alcohol and in reducing the cost of alcohol fuels have also led to this amendment.

Although denatured alcohol manufactured according to existing formulas has been used for blending in motor fuels, its use presents problems. The denaturants required for existing completely denatured alcohol (CDA) formulas increase the cost of blended alcohol fuels. While specially denatured alcohol (SDA) Formula No. 28–A is denatured with gasoline only, users of SDA are required to qualify under the permit system provided for in Part 211. Administrative costs of operating under the permit system would increase the costs of blended alcohol fuels and be passed on to consumers.

This rule authorizes a new formula for completely denatured alcohol, CDA Formula No. 20 which consists of 5 gallons of gasoline, automotive-gasoline, kerosene, or deodorized kerosene to every 100 gallons of at least 190° proof alcohol. CDA Formula No. 20 is restricted to use for fuel purposes.

Members of the alcohol fuels industry have pointed out that the specification for gasoline in Part 212 did not allow for the use of currently available automotive-gasoline. The amended regulations allow for the use of any automotive-gasoline which meets current American Society for Testing and Materials (ASTM) specifications.

Changes—Part 211

Two sections of Part 211 are affected by this Treasury decision. Section 211.111 has been amended to indicate that certain CDA formulas are restricted as to use. The change makes this section compatible with the restriction of CDA Formula No. 20 to fuel use and allows for any other formulas which may in the future be restricted as to use. Section 211.170 has been amended to allow for the use of automotive-gasoline as an alternative ingredient in the manufacture of proprietary solvents.

Changes—Part 212

The addition of CDA Formula No. 20 and the specification of automotive-gasoline as a new denaturant are the major changes to this part. Sections 212.13 and 212.80a are created and add the new CDA formula and the new automotive-gasoline denaturant specification. Other sections affected by the addition of alternate denaturants are §§ 212.38 (SDA Formula 28–A), 212.11 (CDA Formula 18), and 212.12 (CDA Formula 19). Section 212.110 is amended to reflect gasoline, automotive (automotive-gasoline) as a new denaturant authorized for denaturing spirits. In addition, the list accompanying § 212.110 is amended to reflect CDA 20 as a formula applying to the denaturants kerosene, kerosene (deodorized), gasoline and gasoline, automotive (automotive-gasoline).

Drafting Information

The principal authors of this document are John Jarowski and Norman Blake, Specialists, Bureau of Alcohol, Tobacco and Firearms. However, other officials from the Bureau and from the Treasury Department participated in developing this Treasury decision.

Effective Date

Issuance of this Treasury decision as a temporary rule with notice and public procedure under 5 U.S.C. 553(b) and in compliance with the effective date limitation in 5 U.S.C. 553(d) is impracticable and not in the public interest since absence of this rule is creating a serious obstacle to the commercial production of alcohol fuel, inconsistent with the intent of the Energy Tax Act of 1978 (Pub. L. 95–618, 92 Stat. 3174) to encourage the expeditious production of alcohol fuels. Accordingly, this Treasury decision becomes effective on March 27, 1980.

Authority and Issuance

These regulations are issued under the authority of 26 U.S.C. 7805 (68A Stat. 917 as amended).

In view of the foregoing 27 CFR Parts 211 and 212 are amended as follows:

PART 211—DISTRIBUTION AND USE OF DENATURED ALCOHOL AND RUM

1. Section 211.111 is revised to provide for completely denatured alcohol formulas which are restricted as to use. As revised, § 211.111 reads as follows:

§ 211.111 General.

Formulas for completely denatured alcohol are given in Part 212 of this chapter. If the formula places no restriction on use, the completely denatured alcohol may be sold or used for any lawful purpose. Completely denatured alcohol may be used (a) in the manufacture of definite chemical substances where such alcohol is changed into some other chemical substance and does not appear in the finished product; (b) in the arts and industries (except in the manufacture of preparations or products for internal human use or consumption where any of such alcohol or of the denaturants used in such alcohol may remain in the finished product); and (c) for fuel, light, and power. Use of completely denatured alcohol in the arts and industries includes, but is not limited to, the manufacture of cleaning fluids, detergents, proprietary antifreeze solutions, thinners, lacquers, and brake fluids. Persons distributing and using (but not recovering for reuse) completely denatured alcohol are not required to obtain a permit or to file bond under this part. Persons recovering completely denatured alcohol for reuse shall procure an industrial use permit in accordance with Subpart D of this part and file bond in accordance with Subpart E of this part. Containers of products manufactured with completely denatured alcohol, such as proprietary antifreeze preparations, solvents, thinners, and lacquers, shall not be branded as completely denatured alcohol nor shall any such product be advertised, shipped, sold, or offered for sale as completely denatured alcohol.

(72 Stat. 1356, 1362, 1369, 1372, 1373; 26 U.S.C. 5201, 5214, 5241, 5273, 5275)

2. Section 211.170 is amended to include automotive-gasoline as an alternate ingredient in each formulation. As revised, § 211.170 reads as follows:

§ 211.170 Manufacture of proprietary solvents.

All articles coming under the general classification of proprietary solvents shall be manufactured with specially denatured alcohol Formula No. 1. The formulations shall be as follows, except as may otherwise be authorized by the Director:

(1) Formulation No. I—Gallons

Specially denatured alcohol formula No. 1—100
Ethyl acetate—5
Gasoline, automotive-gasoline or rubber hydrocarbon solvent—1

(2) Formulation No. II—Gallons

Specially denatured alcohol formula No. 1—100
Denaturing grade wood alcohol—2
Ethyl acetate—1
Gasoline, automotive-gasoline or rubber hydrocarbon solvent—1

(3) Formulation No. III—Gallons

Specially denatured alcohol formula No. 1—100
Methyl isobutyl ketone—1
Ethyl acetate—1
Gasoline, automotive-gasoline or rubber hydrocarbon solvent—1

(4) Formulation No. IV—Gallons

Specially denatured alcohol formula No. 1—100
Methyl isobutyl ketone—1
tert-butyl alcohol—2
Gasoline, automotive-gasoline or rubber hydrocarbon solvent—1

(5) Formulation No. V—Gallons

Specially denatured alcohol formula No. 1—100
Methyl isobutyl ketone—1
Secondary butyl alcohol—2
Gasoline, automotive-gasoline or rubber hydrocarbon solvent—1

PART 212—FORMULAS FOR DENATURED ALCOHOL AND RUM

3. The table of sections of 27 CFR Part 212 is amended to read as follows:

* * * * *

Subpart C—Completely Denatured Alcohol Formulas

* * * * *

212.13 Formula No. 20.

* * * * *

Subpart E—Specifications for Denaturants

* * * * *

212.80a Gasoline, automotive (automotive-gasoline).

* * * * *

4. Section 212.11 is amended to provide for the use of automotive-gasoline as an alternate denaturant. As revised, § 212.11 reads as follows:

§ 212.11 Formula No. 18.

To every 100 gallons of ethyl alcohol of not less than 160° proof add:

2.50 gallons of methyl isobutyl ketone;

0.125 gallon of pyronate or a compound similar thereto;

0.50 gallon of acetaldol (b-hydroxybutyraldehyde); and

1.00 gallon of either kerosene, deodorized kerosene, gasoline or automotive-gasoline.

5. Section 212.12 is amended to provide for the use of automotive-gasoline as an alternate denaturant. As revised, § 212.12 reads as follows:

§ 212.12 Formula No. 19.

To every 100 gallons of ethyl alcohol of not less than 160° proof add:

4.0 gallons of methyl isobutyl ketone; and

1.0 gallon of either kerosene, deordorized kerosene, gasoline or automotive-gasoline.

6. A new § 212.13 is added to establish Formula No. 20 and to restrict it to fuel use. As added, § 212.13 reads as follows:

§ 212.13 Formula No. 20.

(a) *Formula.* To every 100 gallons of ethyl alcohol of not less than 190° proof add:

5.0 gallons of gasoline, automotive-gasoline, kerosene or deordorized kerosene.

(b) *Authorized use.* Restricted to fuel use, comparable to specially denatured alcohol "Use Code No." 611, 612, 613, 620, and 630.

7. Section 212.38 is amended to provide for the use of automotive-gasoline as an alternate denaturant. As amended § 212.38 reads as follows:

§ 212.38 Formula No. 28–A.

(a) *Formula.* To every 100 gallons of alcohol add:

One gallon of gasoline or automotive-gasoline.

* * * * *

8. A new § 212.80a is added immediately following § 212.80. The new section provides specifications for automotive-gasoline as a denaturant. As added, § 212.80a reads as follows:

§ 212.80a Gasoline, automotive (automotive-gasoline).

Conforms to specifications as established by the American Society for Testing and Materials (ASTM) in its current revision of ASTM Specification D 439. Any of the "seasonal and geographical" volatility classes are considered suitable as a denaturant.

9. The listing of authorized denaturants in § 212.110 is amended by inserting a line for "Gasoline, automotive" and amending the lines for "Gasoline", "Kerosene", and "Kerosene (deodorized)". As amended, § 212.110 reads as follows:

§ 212.110 Listing of denaturants authorized for denatured spirits.

* * * * *

Gasoline—C.D.A. 18; 19; 20; S.D.A. 28–A
Gasoline, automotive (automotive-gasoline)—C.D.A. 18; 19; 20; S.D.A. 28–A

* * * * *

Kerosene—C.D.A. 18; 19; 20
Kerosene (deordorized)—C.D.A. 18; 19; 20

* * * * *

§ 212.15 [Amended]

10. The listing of weights and specific gravities of specially denatured alcohol in § 212.115 is amended by adding footnote "1" following SDA Formula No. 28–A. This footnote citation is to advise that alternate denaturants are permitted and the weight per gallon is based on that of gasoline.

Signed: February 27, 1980.

G. R. Dickerson,

Director.

Approved: March 18, 1980.

Richard J. Davis,

Assistant Secretary, Enforcement and Operations.

[FR Doc. 80-9363 Filed 3-26-80; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 211 and 212

[Notice No. 339]

New and Revised Formulas, Completely Denatured Alcohol Formula No. 20

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF).

ACTION: Proposed rulemaking cross-reference to temporary regulations.

SUMMARY: In the Rules and Regulations portion of this **Federal Register**, the Bureau of Alcohol, Tobacco and Firearms is issuing temporary regulations regarding new and revised formulas for denatured alcohol and rum. The temporary regulations also serve as a notice of proposed rulemaking for final regulations.

DATES: The effective date of the temporary regulations is March 27, 1980. Written comments must be delivered or mailed on or before May 27, 1980.

ADDRESS: Send comments to Director, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044, (Attn: Chief, Regulations and Procedures Division).

Copies of this temporary rule and all written comments will be available for public inspection under authority of 27 CFR 71.41(b) during normal business hours at the following location: Public Reading Room, Room 4408, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, DC.

ATF will not recognize any designation of material in comments as confidential or not to be disclosed, and any material that the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comments. The name of any person submitting comments is not exempt from disclosure.

FOR FURTHER INFORMATION CONTACT: John Jarowski or Norman Blake, Specialists, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226, Telephone: 202–566–7626.

SUPPLEMENTARY INFORMATION: The temporary regulations in this Part of this issue of the **Federal Register** add new and amend regulations in 27 CFR Parts 211 and 212. For the text of the temporary regulations, see [T.D. ATF 67] published in this Part of this issue of the **Federal Register.**

Signed: February 27, 1980.

G. R. Dickerson,

Director.

Approved: March 18, 1980.

Richard J. Davis,

Assistant Secretary, Enforcement and Operations.

[FR Doc. 80-9364 Filed 3-26-80; 8:45 am]

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federal register

Thursday
March 27, 1980

Part V

Department of Transportation

Federal Aviation Administration

Solicitation and Leafletting Procedures at National and Dulles International Airports

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 159

[Docket No. 20200; Notice No. 80-5]

Solicitation and Leafletting Procedures at National and Dulles International Airports

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes regulation of solicitation of funds and distribution of literature by non-profit organizations at National and Dulles airports. The amendments are proposed to promote the efficient use of these facilities and the security of patrons using the terminals without infringing upon the rights of individuals who choose to use the airport for constitutionally protected activity.

DATE: Comments must be received on or before May 12, 1980. Comments on the proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-204), Docket No. 20200, 800 Independence Avenue, S.W., Washington, D.C. 20591; or delivered in duplicate to: Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591.

Comments delivered must be marked: Docket No. 20200. Comments may be inspected at Room 916 between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Edward S. Faggen, Legal Counsel, AMA-7, Washington National Airport, Hangar 9, Washington, DC 20001, telephone: (703) 557-8123.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of this proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-204, 800 Independence Avenue, S.W., Washington, D.C., 20591. All communications received on or before May 12, 1980, will be considered by the Administrator before taking action on the proposed rule. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 20200". The postcard will be date/time stamped and returned to the commenter. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for the comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with this rule making will be filed in the docket.

Availability of NPRM'S

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on the mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

Discussion of the Proposed rule

A. Background

In recent years it has become a common practice for various religious and non-profit organizations to use commercial airports as a forum for the distribution of literature, the solicitation of funds, the proselytizing of new members, and other similar activities. Washington National and Dulles International Airports are no exception to this trend. The airports are owned by the United States Government and large portions of the airport buildings were designed for and are open to the general public. Last year more than 18 million passengers passed through the terminal buildings on their way to and from air transportation. There is a considerable amount of social and commercial interchange in the terminals and, in many respects, the terminals are like any other public thoroughfare where there is no question that the Constitutional guarantees of freedom of speech, the exercise of religion and the right to peaceable assembly apply. These activities enjoy the protection of the First Amendment, and they may not be regulated by airport authorities in the same manner as commercial activity.

However, the absence of regulation has led to situations where those soliciting money or leafletting have caused or contributed to congestion in the terminals by stopping travelers and engaging them in conversation. At National Airport, and at Dulles Airport during the peak hours of operation, the airport terminals, sidewalks and passageways are extremely congested. At National the design capacity of the terminal is greatly exceeded on a daily basis. When congestion occurs at or near points where the free flow of traffic is essential to the airport's operation, the congestion causes inconvenience to the traveling public and an interference with efficient airport operation.

Currently, there is no regulation that even limits the number of solicitors or leaflettors at the ticket counters, baggage claim areas and other areas where travelers must attend to the business which brought them to the airport. Nor is there any prohibition on the places where soliciting or leafletting activity could occur, such as near the top of staircases or escalators, at restroom entrances, doorways and other areas where such activity causes unsafe conditions as well as inefficient airport operation. Furthermore, there is no regulation which prohibits solicitation or leafletting from travelers who are in line or otherwise conducting their business at the airport. Finally, there is no requirement that a solicitor identify himself to the airport officials and to the public or that he or she indicate that he/she has the authority to represent the cause for which money is sought.

Another disturbing aspect of soliciting funds in the terminals has become apparent to FAA. Numerous written complaints have been received by the FAA concerning incidents in which airport patrons or tenants have allegedly been subjected to fraud, harassment, verbal abuse, intimidation and embarassment. People standing in line or otherwise waiting to conduct their business at the airport find this activity to be particularly objectionable because they cannot avoid the solicitor by choosing to forego their purpose for being at the airport. Therefore, they may constitute a captive audience to behavior they find objectionable. On the other hand, there have been complaints to FAA by representatives of groups peaceably soliciting funds. They claim to have been harassed by employees or others using the airport. There have been several instances of assault or alleged assault and there have been complaints against alleged deceptive practices of solicitors who intentionally conceal their organization's identity or fail to make change to a contributor promptly or accurately.

As proprietor of the Airport, FAA has the authority to prescribe rules of conduct to protect airport patrons and efficient operations of the airport. The FAA's authority to operate National and Dulles Airports is broad. Congress has charged FAA with "the control over and the responsibility for, the care, operation, maintenance, improvement and protection of the airport," together with the powers to make and amend rules and regulations as are necessary to the proper exercise of this control and responsibility (54 Stat. 688; 64 Stat. 771). The FAA has, by regulation, exercised control over all commercial activity that occurs at the Metropolitan Washington Airports. No business is conducted, including advertising, or space leased except upon the terms and conditions prescribed by the Director of Metropolitan Washington Airports (14 CFR 159.91(a)). Usually, these terms and conditions are set forth in a contractual form which specifically describes the business to be allowed, its location and duration. The number of such concessions or other businesses and the nature of the business are controlled by the FAA, Director of Metropolitan Washington Airports, to meet the needs of the airports and the traveling public.

The FAA also has the statutory authority to police the airports to protect life and property (61 Stat. 94; 64 Stat. 772). Under this authority, FAA has enacted regulatory "rules of conduct" (14 CFR 159.71 to 159.111) and has deployed a police force and fire department. On National Airport in particular, because it is a Federal enclave, the Federal Government constitutes the lawmaking body. Its police powers are no less than that of a municipality if such municipality were the airport proprietor. While on the airport, the public looks only to the Federal Government, acting through the FAA, for protection of its health and welfare interests.

Although the FAA has possessed the authority, its regulations of "conduct" on the airport have not been addressed in any detail to the solicitation of funds or the distribution of literature on the airport by individuals or organizations acting in a noncommercial capacity. The number of solicitors on the airport, the locations within the terminals, and the manner in which they solicit money from the traveling public have not been regulated by the FAA. The existing regulation, 14 CFR 159.91(b) merely proscribes the "solicitation of alms" without the permission of the Airport Manager. This is deemed inadequate to meet the standards of the First Amendment.

By a recent legislative enactment, Congress has directed FAA to promulgate regulations to control solicitation activity at Washington National and Dulles Airports. Title V of Pub. L. 96–193 enacted February 18, 1980 provides:

Section 501(a) The Administrator of the Federal Aviation Administration (hereinafter referred to as the "Administrator") shall, within 90 days after the date of enactment of this Act, promulgate regulations for airports operated by the Administration to regulate the access to public areas by individuals or by religious and nonprofit organizations (as defined in section 501(c)(3) of the Internal Revenue Code of 1954) for the purpose of soliciting funds or distributing materials.

(b) In promulgating regulations under this section the Administrator shall consider requiring any individual or organization described in subsection (a) to submit an application for a permit to engage in the soliciting of funds or the distribution of materials. In considering such an application the Administrator may require that—

(1) a responsible individual representative of the applicant shall be designated to represent the organization;

(2) each individual participating in any solicitation or distribution will display a proper identification approved by the Administrator;

(3) the number of individuals engaged in any solicitation or distribution at any one time shall not exceed a reasonable number, in keeping with the need for free movement in and operation of the airports as provided for by the permit;

(4) the solicitation or distribution be confined to limited areas and times; and

(5) no individual or organization which holds a permit under this section shall be permitted to—

(A) use sound amplification or display signs (other than signs approved by the Administrator);

(B) intentionally interfere with users of the airport;

(C) engage in the use of indecent or obscene remarks or conduct; or

(D) engage in the use of loud, threatening, or abusive language intended to coerce, intimidate or disturb the peace.

(c)(1) The Administrator shall consider requiring that a copy of a permit (if such is required) be conspicuously posted in the area in which any solicitation or distribution is permitted.

(2) The Administrator shall consider whether revocation of approval for any permit if required and approved under this section should occur for any violation of any rule or regulation promulgated hereunder.

(d) Regulations intended to be promulgated under this section shall be submitted to Congress within 30 days after the date of enactment of this Act.

In view of the congestion and other operational problems, the repeated incidents in the terminals, the legislative expression of concern and the mandate to FAA to regulate the access to public areas by individuals or organizations for the purpose of soliciting funds or distributing literature, FAA is proposing to establish reasonable limitation on the time, place and manner of soliciting and leafletting in the National and Dulles Airport Terminals.

FAA recognizes that the soliciting of funds for religious purposes and the distribution of literature are protected under the First Amendment of the Constitution. In the area of First Amendment freedoms, including the constitutionally protected forms of solicitation, the touchstone of regulation must be precision. Regulations will not offend the Constitution if they regulate only the time, place and manner of expression, are narrowly drawn to protect only a compelling governmental interest, and are not subject to discretionary administration by officials. Any procedure which allows the airport officials wide, unbounded discretion in granting or denying permits is constitutionally questionable, because it would permit the airport to base its determination on the content of the ideas sought to be expressed.

FAA has no interest in regulating the ideas disseminated at the airport, and has no intention of regulating based on the content of the message or the cause that a solicitor supports. Also FAA has no intention of regulating in such a way as to relegate solicitors to a corner or to areas or to times of day that would deny them access to the great majority of airport users.

FAA is concerned, first, that the number of solicitors or distributors of literature not exceed a number which would aggravate existing congestion, and that such activity not be conducted at points in the terminal that are critical to airport efficiency and safety or within areas leased for the quiet enjoyment of an airport tenant. Second, FAA is concerned that those who solicit money or distribute literature in the terminal not do so for commercial purposes. It is essential to proper airport administration and operation that business activities be conducted on the airports only with the permission of the airport managers. Third, FAA expects those who solicit money from the public for non-commercial purposes to identify themselves and their cause, not for approval by the FAA but rather to provide the public this minimal assurance that it will know who is soliciting and why. Fourth, as the entity responsible for public health and welfare on the airports, FAA expects solicitors not to engage in particularly offensive, deceptive, or otherwise egregious activity. These are the legitimate, compelling proprietary and

governmental interests that FAA seeks to protect by regulation. The FAA intends to impose only the least restrictive regulation on constitutionally protected activities that is necessary to protect these interests.

With this as its objective, FAA has identified those points on the airport that are critical to efficient and safe operation. These are the ticket counters, baggage claim areas, depature check in counters, departure gate lounge, anti-hijack security screening points, restroom facilities, staircases, escalators, elevators, doorways or entrance ways, and points where motor vehicles load or unload occupants and baggage. FAA proposes to prohibit solicitation and distribution of literature within ten feet of these precisely identifiable points and from the people waiting in line to conduct business at these points. Ten feet is a readily identifiable standard, and provides the maximum freedom of movement to leaflettors and solicitors consistent with the rights of others using the airports. FAA also proposes to prohibit leafletting and solicitation in premises leased for the exclusive use of a concessionaire.

This leaves large portions of the public lobbies and lounges, through which virtually all users of the airport pass, available to solicitors and leaflettors. FAA recently has commissioned a study of the pedestrian traffic flow in the terminals to identify those areas that are susceptible to congestion if soliciting and leafletting occur or occur in too great a magnitude. On the basis of this study FAA has identified the areas in which a certain level of soliciting and leafletting will not cause unacceptable congestion, and the maximum number of persons conducting these activities that should be allowed in each of the identified areas. Establishment of area restrictions is well within the airport proprietor's rights if there is a demonstrable and substantial relationship between the restriction and the valid interest of promoting efficient use of the facilities.

The study, which was conducted by an independent consultant, used as data the layout of the terminals and several traffic counts conducted in early March 1980, a period when air traffic was well below peak levels. The analysis of the data was accomplished in two stages. First, standard air terminal planning factors were applied to figures representing the size of terminal facilities (e.g., linear feet of ticket counter) and the mean traffic flow past each facility. The result is a distance in feet from each such facility required for minimally adequate public access to that facility. From these figures, a diagram of each major terminal area was developed, indicating areas in which solicitation could be conducted with the least disruption of public business and travel. Second, the effect of introducing various numbers of solicitors into these open areas was calculated. This analysis identified the number of solicitors which could be accommodated in each area without an unacceptable level of obstruction to the flow of terminal traffic.

The consultant's recommendations concerning the areas in which soliciting and leafletting should be permitted, and the number of permits to be issued for those activities, are incorporated in the proposed regulation, with one exception. The study results indicated that no solicitation should be permitted in the National Airport main terminal concourse. This is a heavily trafficked area and the area most frequently used by solicitors. In the interest of permitting some level of solicitation in this area, FAA has designated a maximum of two solicitors to be allowed in a certain portion of the area.

At Dulles Airport restrictions are imposed only between 4:00 p.m. and 8:00 p.m. each day, in view of the marked peaking characteristics of traffic at that terminal. Area and numerical restrictions are inapplicable at all other times, although the permit requirements described below will apply at all times.

Each person conducting leafletting and soliciting activity will be required to obtain and display a permit. The standards for issuing such permits shall be simple and objective. Airport officials will not have the discretion to deny a permit to those who are soliciting for non-commercial purposes or distributing literature of any non-commercial nature, except in precisely defined situations.

Permit systems that protect a legitimate governmental interest, and which are administered in accordance with narrowly drawn, precise and objective standards, are clearly allowable. The Supreme Court has stated that without doubt government "may protect its citizens from fraudulent solicitation by requiring a stranger in the community, before permitting him publicly to solicit funds for any purpose, to establish his identity and his authority to act for the cause he purports to represent. The State is likewise free to regulate the time and manner of solicitation generally, the interest of public safety, peace, comfort or convenience." (*Cantwell* v. *Connecticut*, 310 U.S. 296, 306, 1940).

Under the proposal a permit will be issued by Airport Management immediately upon completion of the application provided that all available permits have not been distributed to other applicants. Permits will be issued on a first come/first serve basis. Permits will be good for seven days to assure an adequate turnover in the permits while not limiting the holder to what may be an unduly brief authorization. Daily permits are administratively burdensome to the Airport personnel. Conversely, issuing permits with overly long duration may result in perpetuating certain groups or solicitors and unreasonably excluding others.

An application for a permit to distribute written or printed matter without charge or without otherwise soliciting funds, will require only the applicant's identity and a statement that the applicant's activity is being conducted for non-commercial purposes.

An application for a permit to solicit contributions, or to sell printed matter or to distribute printed matter in exchange for a donation, will require the same identification and statement, and certain other information intended to provide minimal public protection from fraudulent solicitation without infringing on protected activities. First, the application will require the identification of the organization which the applicant represents, and a letter or other evidence that the applicant is authorized to represent that organization. With the exception of religious solicitors, individuals will be permitted to solicit contributions only if they represent or are affiliated in some manner with an organization or are soliciting on behalf of that organization. The solicitation of funds by individuals not associated with the free exercise of religion is not constitutionally protected. Moreover, the solicitation of funds by individuals for non-religious purposes, even if, ostensibly, the money is to be turned over to a charity, is highly susceptible to fraudulent representation, and is not readily distinguishable from solicitation for personal gain. An individual need not be a member of an organization to solicit on its behalf. Second, the application will require the name and title of the person in that organization who will have supervision of, and responsibility for, the applicant's activity at the airport.

Finally, the solicitor will be required to submit either a statement or documentation of the organization's status as a religious, political, or charitable or public interest organization. If the applicant claims that the organization is either religious or political in nature, a statement to that effect, and nothing more, will be required. Applicants to solicit on behalf

of charitable, scientific, educational or other public interest organizations will be required to submit evidence that the Internal Revenue Service has determined the organization to be eligible for tax-exempt status under 26 U.S.C.A. Sections 501(c)(3), (c)(4) or (c)(5). Section 501(c)(3) addresses the tax-exempt status of religious, educational, charitable, scientific, testing for public safety, fostering of certain amateur sports competition, and prevention of cruelty to children or animals organizations. Section 501(c)(4) pertains to civic leagues, social welfare organizations, and local associations of employees. Section 501(c)(5) covers labor, agricultural, and horticultural organizations.

Regulation of charitable solicitation at the airports for the protection of the public is well within FAA's regulatory and police powers. The IRS determination of tax-exempt status is used only because it constitutes an objective determination of whether an organization is commercial or non-commercial, i.e. whether or not the organization primarily benefits a charitable or public interest which is different from that of the organization's owners and management. The determination is easy to obtain if the organization has not already done so, and is minimally restrictive. (More than 200,000 organizations qualified for Section 501(c)(3) status alone as of October 1978.) Additionally, the determination provides an objective criterion for issuance of a solicitation permit by airport officials on a ministerial, non-discretionary basis. Similar documentation is not required of religious or political organizations in consideration of the special constitutional deference to such activities, particularly religious solicitation, and the absence of appropriate documentation for political organizations.

FAA emphasizes that the requirements for organizational identity and documentation of non-commercial status apply only to solicitation of contributions. Any individual or organization will be granted an available permit to prosyletize or distribute printed matter upon furnishing the applicant's identity and a signed assurance that his or her activity is to be conducted for non-commercial purposes.

B. Section-by-Section Analysis

The proposed regulations would: (1) define commercial activity, which may not be conducted on the airport except under the terms and conditions prescribed by the airport manager, (2) define non-commercial activity, (3) establish procedures for the conduct of non-commercial activity and, (4) prohibit certain conduct related to non-commercial activity.

1. Commercial Activity. FAA proposes to amend existing § 159.91 "Business or Commercial Activity." The title is changed to "Commercial Activity". Section 159.91(a), requiring the airport manager's approval for such activity, remains essentially unchanged.

Existing Federal Aviation regulation 159.91(b) is deleted. This is the provision which places unqualified discretion on the Airport Manager to grant or deny permission to solicit funds at the airport and is of questionable constitutional validity. A new § 159.91(b) will provide a definition of commercial activity. This definition is intended to be broad, encompassing all activity for profit conducted at the airport. Existing § 159.91(c) is also deleted. This section presently necessitates the Manager's permission to make a sale, expose an article for sale or charge an admission fee at the airport. In view of § 159.91(a) and the definition of commercial activity in proposed § 159.91(b), this provision is superfluous.

2. Non-Commercial Activity. FAA proposes to enact new § 159.93 which establishes precise guidelines for the conduct of non-commercial activity at the airports as defined in paragraph 159.91(a). The regulation is aimed at certain conduct. Pure speech is not regulated at all. Rather it is the acts that go beyond pure speech, such as distributing or selling printed matter or soliciting funds at the airport, that affect the legitimate proprietary interests of the FAA. It is this conduct that § 159.93(a) of this regulation reaches.

The distribution of printed material by a non-commercial group, for free or for a donation, is considered a non-commercial activity with one exception. The distribution of such material by a person holding a valid permit will be permitted in all cases except in the limited situation in which the same material is for sale by an authorized airport concessionaire. It is considered unfair to airport concessionaires, who pay a fee to the FAA for the right to conduct business on the airport, to permit non-commercial groups to raise funds by the distribution of items in direct competition with these fee-paying and highly regulated commercial enterprises. The distribution of printed material also sold by airport concessionaires is therefore treated as a commercial activity.

The distribution of any items or material other than printed material, whether for free or for a donation, is deemed a commercial activity and may be undertaken only with the approval of, and under terms and conditions prescribed by, the Airport Manager.

Proposed § 159.93(b) and (c) would impose the permit requirement and establish the procedure for permit issuance. That procedure is intended to impose the least restrictive burden upon those wishing to solicit or leaflet at the airports consistent with the protection of the public from unacceptable congestion and fraudulent solicitation. The applicant for a leafletting permit will have to provide his or her name, address, and telephone number, and sign a statement that the distribution of printed matter will be for a non-commercial purpose.

The applicant for a soliciting permit will be required to provide, in addition to the above statements, the name and address of the organization for which funds are solicited, an authorization to represent that organization, the name and title of the person in that organization who will have supervision of and responsibility for the solicitor's activity at the airport, and a statement or documentary evidence of the non-commercial nature of the organization. If a religious or political status is claimed for the organization, only the applicant's statement will be required. Applicants who intend to solicit for charitable or other public-interest organizations will be required to provide a copy of the IRS determination that their organization qualifies as a tax-exempt organization under 26 U.S.C.A. Sections 501(c)(3), (c)(4) or (c)(5). Alternatively, the applicant may sign a statement that the organization has an application pending before IRS for such a determination.

Proposed § 159.93(d) provides for the denial of a permit to an applicant if he has not completed the application of if there is no permit available because all have been issued. No other basis will suffice for the denial of a permit.

Section 159.93(e) establishes that permits shall be issued on a first come, first served basis. The permits are not transferable. However, if several individuals submit applications for one permit, that permit may be issued to them and transferred among them. However, only one person may use a permit at any given time. Section (f) provides that the permits are good for 7 days. Upon expiration of a permit the holder can be issued a new permit immediately upon his submission of a new application unless all other permits have been issued. If all other permits have been issued the former permit holder shall have to wait 24 hours before being issued another permit. This is to allow those who have been unable to get a permit an opportunity to get an

expired permit and to prevent permit holders from perpetuating their presence on the airport to the exclusion of others.

Section 159.93(g) establishes area restrictions within the terminals. The area designated will be marked on the permit and permit holders will be instructed as to the location of that area when they receive the permit. The area will be clearly identified on a floor plan available to the public and will be displayed where the permits are issued at the airport operations office.

The restriction on the number of permits issued for an area is based on a recent study of pedestrian traffic flow in the terminals. Based on this study and on its experience, FAA believes that Washington National Airport can accommodate eight individuals engaged in non-commercial activity dispersed among the principal terminals at the airport. FAA therefore proposes to issue up to eight permits at any one time. Dulles Airport is subject to heavy congestion in peak afternoon and evening hours. therefore FAS proposes to permit seven individuals to engage in non-commercial activity at Dulles during the hours of 4 p.m. to 8 p.m. It is proposed that there be no limit on the number of permits at Dulles during other hours of the day. The areas and numbers proposed in this Notice may be changed as a consequence of further traffic study. (The public is requested to comment specifically on the proposed areas and numbers in the regulation.)

3. Prohibited Conduct. Proposed § 159.94 specifies the conduct that is prohibited. the regulation will prohibit non-commercial activity conducted without a permit or conducted outside the assigned area. Further, it will porhibit non-commercial activity within ten feet of certain areas or airport activities such as ticket counters and baggage claim areas, restroom facilities and staircases, or of persons in line at the places listed. This restriction is intended to promote safe and efficient operation of the airport. The distance of ten feet was determined by FAA to constitute an optimum compromise of the competing interests involved. Besides being an easily recognizable standard, this distance permits a minimally adequate clearance around points of congestion and persons in "captive audience" situations, and at the same time permits solicitors and leaflettors the mazimum practical access to terminal open areas.

The regulation will require solicitors to conspicuously identify their organization. Furthermore, the regulation will specifically prohibit solicitation by the use of threatening or embarrasing methods, by physical contact or by repeatedly soliciting an individual who has indicated that he or she does not wish to accept or purchase any material or to make a donation. The regulation provides for a judicial ban of up to six months on non-commercial activity at the airport if that individual has been convicted of violating new provision § 159.94. The provision, § 159.191(c) leaves this totally within the discretion of a court and beyond the discretion of the airport management or FAA.

C. The Proposed Rule

The Federal Aviation Administration proposes to amend Subpart D, "Rules of Conduct," of Part 159 of the Federal Aviation Regulations (14 CFR Part 159) as follows:

1. By amending § 159.91, "Business and Commercial Activity," by deleting the heading and the entire section consisting of paragraphs (a), (b) and (c) and substituting for them the following:

§ 159.91 Commercial activity.

(a) No person may engage in any commercial activity on the Airport without the approval of, and under terms and conditions prescribed by, the airport Manager.

(b) for the purpose of this section "commercial activity" means any activity undertaken for profit including the sale, provision advertisement or display of goods or services."

2. By adding a new § 159.93 to read as follows:

§ 159.93 Certain noncommercial activities.

(a) This section applies to the following activities undertaken not for profit but for philanthropic, religious, charitable, benevolent, humane, public interest or similar purpose (hereinafter referred to as "non-commercial" activities):

(1) The distribution, whether or not in exchange for a donation, of any written or printed matter to the general public, *provided,* that if the written or printed matter is for sale on the airport by a commercial vendor its sale by any person will be treated as a "commercial activity" under this Part. The distribution of items or material other than printed material, whether or not in exchange for a donation, will be treated as a "commercial activity" under this Part.

(2) The solicitation of funds from the general public whether or not in connection with the distribution or sale of written or printed matter.

(b) Each person conducting any non-commercial activity must hold a valid permit issued by the Airport Manager and conduct the activity in conformity with applicable laws, regulations and the terms of the permit. Each permit shall describe the activity authorized and the area in which it may be conducted.

(c) *Procedure:* Unless by prior application all available permits have been granted, applications will be processed as follows:

(1) Each person who seeks to distribute written or printed matter without soliciting funds shall immediately be given a single permit for leafletting upon his submission of an application, signed by the applicant, stating that the distribution is for a non-commercial purpose.

(2) Each person who seeks to solicit contributions or sell or distribute printed matter in exchange for a donation, either in connection with religious expression or as representative of a non-commercial organization, shall immediately be given a single permit upon his submission of an application, signed by the applicant, containing the following:

(A) The applicant's name, address and telephone number;

(B) If the applicant purports to represent an organization, the name, address and telephone number of the organization, and a letter or other documentation that the applicant has authority to represent that organization.

(C) the name and title of the person in the organization who will have supervision of and responsibility for the activity at the airport;

(D) A statement that the sale of printed matter and/or the solicitation of funds is for non-commercial purposes; and

(E) One of the following:

(i) A statement signed by the applicant that the applicant represents and will be soliciting funds for the sole benefit of a religion or religious group;

(ii) A statement signed by the applicant that the applicant represents and will be soliciting funds for the sole benefit of a political organization the primary function of which is to influence the nomination, election, or appointment of one or more individuals to Federal, state or local public office, or to influence Federal, state or local legislation;

(iii) A copy of an official Internal Revenue Service (IRS) ruling or letter of determination stating that the applicant's organization or its parent organization qualifies for tax-exempt status under 26 U.S.C. Section 501(c)(3), (c)(4), or (c)(5). (This requirement will be deemed satisfied if the organization is listed in the current edition of or

amendment to IRS Publication 78, *Cumulative List of Organizations*); or

(iv) A statement signed by the applicant that the applicant's organization has applied to the IRS for a determination of tax-exempt status under 26 U.S.C. Section 501(c)(3), (c)(4), or (c)(5), and that the IRS has not yet issued a final administrative ruling or determination on such status.

(d) Failure to submit the information required by subsection (c) shall result in denial of the permit. Upon submitting a completed signed application, a permit shall be issued unless all available permits have been issued to prior applicants, subject to the provisions of paragraph (f) of this section.

(e) Applications for permits must be submitted to the Operations Office of the airport concerned. Permits will be granted on a "first come, first served" basis. The area will be granted on a "first come, first choice" basis. The permits are not transferable except among individuals who have completed and submitted applications for the same permit.

(f) *Duration.* Each permit shall issue in the name of the applicant and shall authorize the holder to conduct non-commercial activities for a period not to exceed 7 consecutive days. Permits shall not be extended or renewed. After the expiration of the permit a new permit may be issued to the former permit holder upon submission of a new application. In such a case, applicants may be permitted to incorporate by reference any required documentation filed with a previous application. Provided, however, that a former permit holder shall not be issued a new permit for 24 hours after the expiration of the old permit if at the time of expiration of the old permit all other permits have been issued.

(g) *Areas.* Each permit shall specify the area in which the non-commercial activity may be conducted by the permit holder. Permits shall be issued for the following areas up to the maximum number indicated:

(1) Washington National Airport:

i. the Northwest/Trans World Airlines lobby (2)

ii. the American Airlines lobby (1)

iii. the main concourse and balcony (2)

iv. the north terminal (2)

v. the sidewalk in front of the Piedmont Aviation Terminal (1)

(2) Dulles International Airport between 4 p.m. and 8 p.m.

i. upper level main concourse south of ticketing area (4)

ii. lower level south concourse (1)

iii. lower level east (1)

iv. lower level west (1)

The areas are depicted in the chart in Appendix A.[1] They are also on display on a floor plan at the Operations Office of each Airport.

(3) By adding new section 159.94 to read as follows:

Section 159.94. *Prohibited Conduct relating to Non-Commercial Activity:* No person may conduct non-commercial activity:

(a) without a permit or with a permit that has expired.

(b) with a permit issued in response to an intentionally false application.

(c) with a permit outside the area designated on the permit.

(d) within 10 feet of the following:

(1) A ticket counter

(2) A baggage claim area

(3) A departure gate check-in counter

(4) A departure gate lounge

(5) An anti-hijack security screening point

(6) Premises leased for the exclusive use of a concessionaire

(7) Restroom facilities

(8) A stair, escalator or elevator

(9) A doorway or entrance way

(10) A motor vehicle with embarking or disembarking passengers

(11) A public service information counter

(12) Persons waiting in line at any of the above listed areas

(e) if that person is selling written or printed matter or soliciting funds, without wearing or displaying, in a conspicuous manner, the name of the organization that the person represents.

(f) by use of threatening gestures, or by language directed at another person in a manner intended to embarrass, ridicule or harass that other person.

(g) By intentionally touching or making physical contact with another person unless that other person has consented to such physical contact.

(h) By repeatedly attempting to distribute written or printed matter to, or to solicit funds from, another person when that other person has indicated to the solicitor that he or she does not wish to accept any matter or to make a donation.

(i) By use of a loudspeaker, sound or voice amplifying apparatus without the permission of the Airport Manager.

(j) By setting up a table, counter or stand without the permission of the Airport Manager.

(4) By amending subpart I—"Enforcement" of Part 159 by adding to Section 159.191 "Penalties" the following new paragraph:

(c) In addition to the penalities prescribed in paragraph (a) of this section, any person who is convicted or willfully and knowingly violating section 159.94, *infra*, shall be prohibited from engaging in non-commercial activity at the Airports for not more than six months.

(Secs. 2 and 4 of the Act for the Administration of Washington National Airport, 54 Stat. 686 as amended by 61 Stat. 94; Secs. 4 and 10 of the Second Washington Airport Act, 64 Stat. 770; sec. 313 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1459); sec. 6, Department of Transportation Act (29 U.S.C. 1655); Sec. 501 of Pub. L. 96–193, February 18, 1980)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). The economic impact of the proposal is judged to be minimal and a detailed evaluation is not required.

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

James A. Wilding,

Director, Metropolitan Washington Airports.

[FR Doc. 80-9290 Filed 3-26-80; 8:45 am]

BILLING CODE 4910-13-M

[1] Appendix A is filed as part of the original document.

federal register

Thursday
March 27, 1980

Part VI

Environmental Protection Agency

Approval and Promulgation of Nonattainment Plan for Indiana

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[FRL 1449-1]

Approval and Promulgation of Nonattainment Plan for Indiana

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: The purpose of this notice is to announce the receipt of a State Implementation Plan (SIP) revision for Indiana, to discuss the results of the United States Environmental Protection Agency's (USEPA) review of that revision, and to invite public comment.

On June 26, 1979, the State of Indiana submitted to USEPA a proposed revision of its SIP pursuant to Part D of the Clean Air Act as amended in 1977. The revision applies to areas of Indiana that have not attained the national Ambient Air Quality Standards (NAAQS) for sulfur dioxide, ozone, carbon monoxide, and particulates. As required by the Act, the purpose of this revision 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 National Ambient Air Quality Standards as expeditiously as practicable, but not later than December 31, 1982 for the primary standards; or by December 31, 1987, under certain conditions, for ozone and carbon monoxide. 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), and September 17, 1979 (44 FR 53761) and November 23, 1979 (44 FR 67182) discussing, among other things, additional criteria for SIP approval.

In addition to addressing the requirements of Part D, the Indiana SIP revision incorporates certain general requirements of the Clean Air Act as amended.

DATE: Comments on this revision and on the proposed USEPA action on the revisions are due by April 28, 1980.

ADDRESSES: Copies of the SIP revision are available at the following addresses for inspection:

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

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

Indiana State Board of Health, Air Pollution Control Division, 1330 West Michigan, Indianapolis, Indiana 46206.

WRITTEN COMMENTS SHOULD BE SENT TO: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, USEPA Region V, 230 South Dearborn, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, USEPA Region V, 230 South Dearborn, Chicago, Illinois 60604 (312) 886-6029.

SUPPLEMENTARY INFORMATION: 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 for total suspended particulates (TSP), sulfur dioxide (SO_2), carbon monoxide (CO), photochemical oxidants (ozone), and nitrogen dioxide (NO_2).

Part D of the Act, which was added by the 1977 Amendments, requires each state to revise its SIP to meet specific requirements for areas designated as nonattainment. These SIP revisions must demonstrate attainment of the primary National Ambient Air Quality Standards as expeditiously as practicable, but not later than December 31, 1982. Under certain conditions that date may be extended to December 31, 1987 for ozone and/or carbon monoxide.

On June 26, 1979, the State of Indiana submitted a portion of its revised SIP to USEPA so that the Agency could review the plan and solicit public comment both on the plan provisions and on USEPA's proposed rulemaking. The proposed SIP revision addresses the Clean Air Act requirements for a nonattainment SIP and some general requirements for a statewide SIP.

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

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 the existing regulations such that it would be impossible for a source to comply with the preexisting 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 proposed Indiana SIP in two parts: (1) The strategies developed by Indiana to meet National Ambient Air Quality Standards for each pollutant in designated nonattainment areas; and (2) The revisions necessitated by general requirements of the Clean Air Act Amendments.

In its review, USEPA has specified portions of the proposed SIP as being approvable and not approvable. USEPA will conditionally approve the plan if the State proposal contains minor deficiencies, and if the State provides assurances that it will submit corrections on a specified schedule. The schedules must be negotiated between the USEPA Regional Office and the State within the public comment period announced in this Notice. The negotiated schedules will be announced for public comment in a separate Notice of Proposed Rulemaking. A conditional approval will mean that the restrictions on new major source construction will not apply unless the State fails to submit the necessary revisions by the scheduled date, or if the revisions are not approved by USEPA. Conditional approvals will not be granted without strong assurances by the appropriate State official(s) that the deficiencies will be corrected by the specified date.

USEPA solicits comments on both the proposed SIP revisions and the proposed USEPA action on these revisions from all interested parties. USEPA specifically solicits public comment on the proposals for conditional approval.

USEPA also encourages residents and industries in adjoining States to comment on any interstate air quality impacts of the proposed Indiana SIP revision.

On August 14, 1979 a Notice of Availability was published in the Federal Register (44 FR 47559) announcing the receipt and availability for review of the proposed revisions to the Indiana SIP and informing the public that a comment period of less than 60 days might be provided. A thirty-day comment period is being provided because the July 1, 1979 statutory deadline for USEPA approval of revisions for nonattainment areas has already passed. To be considered, comments on this revision and on the proposed USEPA action on the revision must be postmarked not later than thirty days from the publication of this Notice of Proposed Rulemaking. If, however, interested parties require additional time to comment on USEPA's proposed rulemaking actions, they can petition USEPA at the above address for an extension of the comment period. Requests for extension of the comment period must be received by USEPA prior to the closing of the thirty-day comment period announced in this Notice of Proposed Rulemaking.

Plan Requirements for Nonattainment Areas

In addition to the general requirements applicable to all State implementation plan revisions pursuant to section 110, the revised plan must satisfy the general requirements of Part D of the Act. USEPA has reviewed the proposed revision to the Indiana Implementation Plan to determine if it meets these Part D requirements. Any deficiencies are discussed in the following portions of this Federal Register on specific regulations and pollutants.

General Regulations

Indiana has submitted several regulations which are not related to any one pollutant. These regulations are Air Pollution Control (APC) Regulation 1 containing definitions for use in all Indiana Air Pollution Control regulations; Regulation APC 11 establishing a reporting procedure for malfunctions, a maintenance program requirement for emission control equipment, and a malfunction emission reduction program; Regulation APC 19 establishing requirements for permits for the construction, modification, or operation of facilities and emission control devices; and Regulation APC 22 detailing the attainment and nonattainment areas of the State for the criteria pollutants. A discussion of USEPA's review of these regulations follows:

Regulation APC 1

Many of the comments concerning definitions in this regulation are contained in the following sections of this notice on specific regulations and are not reiterated here. Some of the definitions in the proposed revision are used in regulations which have not yet been submitted to USEPA. Consequently, although USEPA approves these definitions generally, it may be necessary to disapprove the definitions later within the context of the specific regulations.

The Indiana regulation contains a definition of "Nonphotochemically Reactive Hydrocarbons" which includes methyl chloroform and methylene chloride and, in effect, exempts them from controls.

These volatile organic compounds (VOC's) while not appreciably affecting ambient ozone levels, are potentially harmful in other respects. 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 those of other solvents. Endorsing the use of methyl chloroform by exempting it in the SIP revision can only further aggravate the problem by increasing the emissions produced by existing primary degreasers and other sources.

The USEPA is concerned that the State has chosen this course of action without full consideration of the total environmental and health implications. The USEPA does not intend to disapprove the State SIP submittal if, after due consideration, the State chooses to maintain these exemptions. The Agency is, however, concerned that this policy not be interpreted as encouraging either the increased use of these compounds or compliance by substitution. The USEPA does not endorse such approaches. Furthermore, state officials and sources should be advised that there 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.

"Positive net air quality benefit" is defined in the regulation as the net result of offsetting new allowable emissions with reduced actual or allowable emissions. This provision could be interpreted as allowing sources to claim offset credits for bringing existing sources into compliance with the applicable emission limitation. Compliance by existing sources is already considered in the SIP demonstration of attainment. Crediting these emission reductions twice will not result in progress toward attainment of NAAQS. Therefore, USEPA proposes to conditionally approve this definition if the State makes a commitment to change the definition so that positive net air quality benefit is the result of offsetting new allowable emissions with the reduced actual or allowable emissions *whichever is less.* This change in the definition must be completed on a schedule to be negotiated between the State and the USEPA Regional Office during the comment period announced in this Notice.

Finally, this regulation defines "State Implementation Plan" as the State plan of the Indiana Air Pollution Control Division. USEPA believes that this definition is confusing and misleading since a State Implementation Plan must be federally approved pursuant to the Clean Air Act. In order to eliminate any potential confusion, in regulation which states that provisions or exemptions will be submitted to the USEPA as revisions to the State Implementation Plan, clarifying language should be included noting that the revisions are to the *federally approved* State Implementation Plan.

USEPA proposes to approve the definitions in Regulation APC 1 with the exception of the definitions with deficiencies noted above and in the following sections on specific regulations. USEPA's proposed action on the definitions with deficiencies is specified in the discussion on each of these definitions. USEPA proposes to conditionally approve the deficient regulations upon commitment of the appropriate State official(s) to make the necessary corrections according to a schedule negotiated between the State and the USEPA Regional Office during the comment period announced in this Notice.

Regulation APC 11

Regulation APC 11 is a new regulation establishing a reporting procedure for malfunctions, a maintenance program requirement for emission control

equipment and facilities, and a malfunction emission reduction program. USEPA has reviewed this regulation and proposes to disapprove it as a revision to the federally approved SIP. Failure to achieve USEPA approval of these provisions by July 1, 1979 does not, however, trigger economic and growth limitations because these provisions are not required by Part D of the Clean Air Act.

USEPA policy, as reflected in the Federal malfunction regulations promulgated in the April 27, 1977 **Federal Register** (42 FR 21472), recognizes the possibility of malfunctions but defines all periods of excess emissions as violations of the applicable emission standard in order to reduce the frequency of such episodes by encouraging good maintenance procedures. According to this policy, the source then has the burden to demonstrate that the violation was due to an unavoidable malfunction in which case enforcement discretion may be exercised. The Federal malfunction regulations detail the enforcement procedure which will be followed when a period of excess emissions occurs and indicate how this discretion will be exercised.

The proposed Indiana revision does not require that all periods of excess emissions due to malfunctions be considered violations of the applicable standard. If a source demonstrates four things, the proposed revision provides for an automatic emission limitation exemption during such periods of excess emissions. This approach is impermissible since it creates the potential for permitting violations of the NAAQS by exempting malfunction episodes from applicable emission limitations. Pursuant to section 110 of the Clean Air Act, USEPA proposes to disapprove these malfunction provisions because they interfere with the attainment of the National Ambient Air Quality Standards. Further, the approach in this regulation is inconsistent with the enforcement imperatives of sections 110 and 113 of the Clean Air Act.

In addition, this regulation contains a provision permitting fossil-fuel fired steam generators to exceed the applicable sulfur dioxide emission limitations in no more than three 24-hour periods during any calendar month. This exemption is not approvable because it potentially interferes with the June 11, 1979 New Source Performance Standard for electric utility generators. This deficiency as well as the deficiency discussed above must be corrected before this regulation is approvable.

Regulation APC 22

This revised regulation classifies areas of the State as nonattainment, attainment, or unclassifiable for sulfur dioxide, total suspended particulates, carbon monoxide, photochemical oxidants and nitrogen oxides. These classifications conform to the federally promulgated designations contained at 40 CFR Part 81 with one exception. Regulation APC 22 identifies Wayne County as an attainment area for the sulfur dioxide NAAQS. USEPA has designated Wayne County as a nonattainment area for sulfur dioxide. USEPA, therefore, proposes to approve Regulation APC 22 with the exception of its classification of Wayne County as an attainment area for the sulfur dioxide standards. This deficiency is discussed in greater detail below under Regulation APC 13.

Regulation APC 19—Permits, Prevention of Significant Deterioration, and Emission Offsets

Regulation APC 19 establishes requirements for the registration of specified facilities and emission control devices and for the issuance of permits for the construction, operation, and modification of specified facilities and emission control devices. In addition, this regulation contains requirements for new source review for the prevention of significant deterioration (PSD) of air quality in attainment areas and for the offsetting or emissions in nonattainment areas. The regulation also contains a section on compliance using the bubble approach. USEPA's discussion of the regulation will address both the general deficiencies in the regulation and, a review of the new source permit program in nonattainment areas. Because the PSD revisions are required under Part C of Title I of the Clean Air Act rather than under Part D, USEPA's review of the proposed PSD plan is contained in the portion of this notice addressing general SIP requirements.

General Deficiencies

1. Section 4(g) of Regulation APC 19 states that emission limitations may be established as conditions of construction and operating permits, and details a procedure for incorporating the emission limitations into the permits. Pursuant to 40 CFR 51.22, emission limitations must be adopted as rules and regulations enforceable by the State agency. In order to satisfy this regulatory requirement, limitation contained in a permit has the force and effect of a regulation. USEPA proposes to approve the placement of emission limitations in permits if prior to USEPA final rulemaking on this regulation the State submits certification from the Indiana Attorney General that emission limitations contained in permits issued pursuant to Regulation APC 19 will have the force and effect of regulations in Indiana. Without this certification, any permits issued with emission limitations, including site specific emission limitations established by permit under Regulations APC 13 and APC 23, will not be approvable as revisions to the federally approved State Implementation Plan. If the State does not submit a certification from the Indiana Attorney General, USEPA will disapprove the following sections and portions of sections pertaining to the issuance of emission limitations in permits: Section 4(g) of Regulation APC 19; Sections 3(a), 3(q), 3(s), and 7 of Regulation APC 23; and Sections 3(b) and 8 of Regulation APC 13.

2. Section 4(h) of Regulation APC 19 specifies the timeframes within which construction permits must be issued or denied. If a permit is not issued or denied within these timeframes, the regulation provides that the permit must be issued by default. This default provision is unacceptable because it would allow a construction permit to be issued without any assurance that the National Ambient Air Quality Standards will be achieved or maintained. USEPA proposes to disapprove this default provision and proposes to conditionally approve Regulation APC 19 if the State makes a commitment to delete the default provision from the regulation. This corrective action must be carried out according to a schedule to be negotiated between the State and the USEPA Regional Office during the thirty-day comment period announced in this Notice. USEPA's disapproval of section 4(h) would mean that a source proceeding with construction on the basis of this section would be in violation of the federally approved SIP and subject to federal enforcement action.

3. Section 172(b)(11) of the Clean Air Act requires the establishment of a program of analyses which must be completed prior to the issuance of construction permits for major facilities locating in a nonattainment area which needs an extension beyond *December 31, 1982* to attain the ozone and/or carbon monoxide NAAQS. Section 4(b)(2) of Regulation APC 19 satisfies this statutory requirement except for a typographical error. The regulation requires analyses for those major facilities located in nonattainment areas for which an extension *beyond December 31, 1987* is necessary. USEPA

proposes to conditionally approve Section 4(b)(2) of Regulation APC 19 if the State corrects this typographical error during the public comment period announced in this proposal.

New Source Permit Program

To be approvable under Part D, a preconstruction review program must assure that permits for proposed major sources and major modifications are issued in conformance with the requirements of section 173 of the Act. Those requirements and details of how the Indiana submittal conforms to them are listed below:

1. The Clean Air Act requires that each SIP accommodate growth in emissions in nonattainment areas through an emission offset program or by a planned margin for growth. Indiana has elected to use an offset approach in its preconstruction review program. Section 8(a) (2) and (4) of Regulation APC 19 specify that increased emissions resulting from proposed construction, modification, or reconstruction must equal 90% or less of offsetting emissions and that reasonable further progress must be achieved by the proposed offset.

2. Any emission reductions required under the emission offset program must be legally binding and enforceable before the permit can be issued. Section 8(e)(6) of Regulation APC 19 specifies that no emission reduction may be approved as offset which cannot be legally enforced by the IAPCB. Offsetting emissions are considered by the State to be legally enforceable if the reduction is included as a condition in either an operating or construction permit. USEPA's policy is that internal offsets are enforceable as operating construction permit conditions while external offsets must be submitted as revisions to the SIP to be Federally enforceable. Regulation APC–19(2)(g) requires Indiana to submit emission limitations and compliance schedules contained in operating and construction permits as revisions to the Federally approved SIP. This requirement means that all offset provisions will be submitted as a part of the SIP and, if approved, Federally enforceable. The offset provisions of Regulation APC–19, therefore, meet the requirements of USEPA's policy.

3. The proposed major source or major modification must comply with the lowest achievable emission rate (LAER) as defined in Section 171(3) of the Act. The Indiana definition of LAER contained in Regulation APC 1 conforms to the Act's definition.

4. All major sources in the state owned or operated by the owner or operator of the proposed major source or major modification must be in compliance or on a schedule for compliance with the Act. Section 8(i) of Regulation APC 19 satisfies this requirement.

USEPA proposes to conditionally approve Regulation APC 19 and the new source review program if the appropriate State Officials make a commitment to correct the specified deficiencies on a schedule to be negotiated between the State and the USEPA Regional Office during the thirty day comment period announced in this Notice.

Total Suspended Particulates

Part D of the Clean Air Act requires State Implementation Plans to include strategies and regulations adequate to insure attainment of the primary National Ambient Air Quality Standards (NAAQS) as expeditiously as practicable but not later than December 31, 1982 and, in the interim, to provide reasonable further progress toward attainment through the application of reasonably available control technology (RACT).

In cases where the attainment of NAAQS cannot be demonstrated despite the application of reasonably available control technology to traditional sources of particulate matter such as industrial point and industrial fugitive sources, USEPA will approve State SIPs contingent upon a commitment by the State to study further the causes for particulate nonattainment, including the degree to which nontraditional area sources affect air quality, and to develop appropriate control measures.

Eight areas in the State of Indiana have been designated as nonattainment for both the primary and secondary particulate National Ambient Air Quality Standards. An additional three areas have been designated as nonattainment for only the secondary articulate NAAQS. Indiana has submitted control strategies and demonstrations for attaining the primary and secondary standards in three of the eight nonattainment areas. No control strategies or demonstrations were included in the submittal for the primary and secondary nonattainment areas of Marion, Lake, Clark, Vigo, and LaPorte Counties. Regulations to implement the strategies have similarly not been adopted by the State or submitted to USEPA. Therefore, although USEPA is proposing rulemaking on the submitted control strategies and demonstrations, it cannot propose rulemaking on the adequacy of the entire particulate SIP at this time. USEPA will propose rulemaking on the adequacy of the attainment demonstrations and the adequacy of the regulations to attain and maintain the NAAQS in Marion, Lake, Clark, Vigo, and LaPorte Counties and on the attainment demonstration for the entire particulate SIP upon the State's submittal of the omitted portions of the plan.

Pursuant to section 110(b) of the Clean Air Act, Indiana included a request in the submittal for an eighteen month extension of the statutory timetable for the submittal and approval of SIP revisions for attaining the secondary particulate NAAQS in Howard, LaPorte, St. Joseph, and Vanderburgh Counties. On August 10, 1979, the Technical Secretary of the Indiana Air Pollution Control Board supplemented this original request for an extension in Dearborn, Dubois, Clark, Wayne, Marion, Lake and Vigo Counties. Portions of all these counties have been designated as not attaining the secondary particulate NAAQS.

In order to receive an extension, a State must satisfy the requirements of 40 CFR 51.31. These requirements include a showing that attainment will require emission reductions greater than those that would result from application of reasonably available control technology as well as a showing that notice has been given to States which adjoin any air quality control region which is the subject of an extension request. As discussed below, the State has not yet satisfied these requirements.

The Marion, Lake, and Clark Counties, the State has not submitted technical support or documentation to satisfy the regulatory requirements. Without technical support, USEPA cannot evaluate whether attainment in these counties will require emission reductions greater than those that would result from the application of RACT. The State can remedy this deficiency by submitting adequate technical support during the comment period in this notice. Although technical support was provided for Dearborn, Dubois, Vigo, and Wayne Counties in the SIP submittal, the State indicates in its Executive Summaries that analysis of this support demonstrates that attainment of the secondary standard can be achieved using RACT. USEPA is aware, however, that the State has reassessed what constitutes RACT for particulate sources. This reassessment may result in a determination that attainment will require emission reductions greater than those that would result from the application of RACT. Therefore, during the comment period announced in this Notice, the State must

(1) specify what Indiana has defined as RACT for the affected source categories and (2) demonstrate that RACT alone will not achieve attainment of the secondary standards. On September 10, 1979 and January 29, 1980, the State submitted technical support to justify the extension in Vanderburgh, LaPorte, St. Joseph, and Howard Counties. USEPA proposes to approve the requests for extension in these four counties since USEPA's review of the technical support indicates that the regulatory requirements are satified. USEPA further proposes to approve the other requests for eighteen month extensions of the January 1, 1979 deadline of the SIP revision and the July 1, 1979 deadline for USEPA approval if the State submits the missing documentation cited above during the thirty day Comment period on this Notice. Approval of the State's request would require the State to submit strategies to attain the secondary standards for these areas by July 1, 1980.

To remedy its particulate nonattainment problem the State of Indiana has prposed a control strategy which consists of a revision to Air Pollution Control (APC) Regulation 3 containing visible emission limitations, a new Regulation APC 9 regulating coke oven batteries, a new Regulation APC 23 containing emission limitations for stationary sources of particulates, and reliance on existing Regulations APC 20, APC 4R, APC 5, APC 6, and APC 7. A detailed discussion of each proposed SIP revision and USEPA proposed rulemaking is contained below. This Notice of Proposed Rulemaking does not address whether this requirement for RACT for the iron and steel industry has been met. This issue will be the subject of a future **Federal Register** notice.

The Indiana Air Pollution Control Division of the State Board of Health claims that the application of these new and revised air pollution control regulations will provide for attainment of the primary and secondary particulate NAAQS in Vigo, Wayne, Dubois and Dearborn Counties by December 31, 1982. USEPA has noted the following deficiencies with the attainment demonstration portion of the Indiana submittal:

(1) The attainment demonstration claims emission reduction credits for strategies which are either not yet included in the SIP or not clearly enforceable under the SIP. Although the attainment demonstration based on the control strategies appears adequate, the regulations incorporating the control strategies have serious deficiencies which will be discussed below in the portion of this notice addressing the regulations. The Indiana submittal also claims emission reduction credits for area source controls but the proposed revision does not identify how these reductions will be achieved. Further, although emission reduction credits are taken by the State based on a projected decline in coal usage as an industrial fuel for small uncontrolled process sources, the State does not document the basis for the projected decline. These credits cannot be claimed unless they are documented and fully enforceable regulations appear in the SIP ensuring that reductions will occur.

(2) To the extent that the attainment demonstrations depend upon air quality modeling analyses, the following deficiencies must be clarified or corrected. First, the total concentration due to both area and point sources that is predicted at a given receptor does not equal the number obtained when the area source impact is added to the point source impact at that receptor. This discrepancy in the modeling results must be resolved. Secondly, the parameters that are used to: (a) calibrate the annual model; (b) convert from arithmetic to geometric annual mean concentrations; and (c) convert from annual to 24-hour concentrations must be identified. The State must specify at each monitor and receptor location the standard geometric deviation obtained from the measured air quality data and a statistical parameter, z, that signifies the number of standard deviations between the geometric mean and the second highest 24-hour concentration. Third, the grid resolution in the maximum impact areas must be increased, This is necessary since the modeled ground-level concentrations in the vicinity of the location of maximum impact can change very rapidly. For example, the modeled concentration at half of the distance to the point of maximum impact may be two orders of magnitude less than the maximum predicted concentration. Finally, the area source grid size applied in the modeling analyses should be compared to the actual area source size. This demonstration is necessary to show that the emissions from the area sources have not been diluted by spreading the emissions over an unrealisticly larger area. Such a dilution would serve to decrease the predicted impact from area sources. The State must submit a comparison of area source grid size with the actual area source size.

USEPA proposes to approve the Indiana particulate attainment demonstrations for Wayne, DuBois, and Dearborn Counties if the noted deficiencies are corrected prior to USEPA final rulemaking. USEPA expects the State to correct the deficiencies as quickly as possible where the State is unable to make the corrections during the comment period and where the deficiencies are relatively minor, USEPA will conditionally approve them if the appropriate State official makes a commitment to correct the deficiencies according to a schedule negotiated between the State and the USEPA Regional Office during the comment period announced in this notice.

Regulation APC 3—Visible Emission Limitations

Indiana has submitted a proposed revision to Regulation APC 3 which establishes standards for visible emissions from the operation of any facility in the State and contains provisions for temporary exemptions from these standards. USEPA has reviewed this regulation and with the exception of those portions of it which incorporate the Federal New Source Performance Standards for visible emissions into Indiana law proposes to disapprove the regulation for the following reasons:

1. The proposed regulation creates limitations for visible emissions from a stack. It further establishes two categories of particulate emissions from a stack, designated as continuous and intermittent emissions. The definitions of continuous and intermittent emissions are contained in proposed Regulation APC 1. Different methods of measuring visible emissions are established depending upon whether the emissions are defined as continuous or intermittent.

Continuous emissions are defined in APC 1 as those emissions which are constantly emitted by a facility during the operation of the facility and which are not intermittent in nature. Intermittent emissions are defined as particulate emissions generated for intervals of less than six consecutive minutes. Because the definitions are based on the duration of emissions from a stack or vent rather than on the duration of a particular operation, the same source could be both a continuous and intermittent emitter. USEPA believes that the lack of clarity in the definitions of continuous and intermittent emissions renders this regulation unenforceable because it would be impossible to know which measurement method was appropriate. Therefore, before this regulation is approvable, the definitions of continuous and intermittent emissions in Regulation APC 1 must be modified to

ensure that the selection of the proper measurement method is based on the operation causing the emissions and not the duration of emissions from a stack or vent.

2. Regulation APC–3 establishes visible emission limits for continuous and intermittent emissions from a stack. Existing sources in nonattainment areas of Dearborn, DuBois, Vigo, and Wayne Counties must meet a limitation of 30% opacity. Sources in nonattainment areas in Lake, Clark, Marion, Howard, La Porte, St. Joseph, and Vanderburgh Counties, however, need only meet the less restrictive 40% opacity limitation. The State has not provided technical support to demonstrate that a 40% visible emission limitation in the nonattainment counties of Lake, Clark, Marion, Howard, La Porte, St. Joseph, and Vanderburgh represents reasonable available control technology.

3. Regulation APC 3 does not contain opacity limitations for non-stack sources of visible emissions. In Section 3(a)(1)(C), the Regulation requires emissions from non-stack sources or facilities in attainment areas and in the nonattainment areas of Lake, Clark, Marion, Howard, La Porte, St. Joseph, and Vanderburgh to be controlled by the requirements in existing Regulation APC 20. Existing Regulation APC 20 specifies maximum allowable ambient concentrations of fugitive dust. No provision is made in Regulation APC 3 to regulate non-stack sources of visible emissions in the nonattainment areas of Dearborn, Dubois, Vigo and Wayne Counties. Non-stack sources of visible emissions are currently regulated under existing Regulation APC 3, a part of the federally approved Indiana SIP. The proposed use of Regulation APC 20 to control these emissions in attainment areas and specified nonattainment areas and the failure to include any controls for non-stack sources in four nonattainment counties represents a significant relaxation from the current federally approved SIP. In approving portions of Regulation APC 20 as part of the federally approved SIP, on October 28, 1975 (40 FR 50032), USEPA advised the State of its reservations concerning the vagueness and ambiguity of the regulation. Since that time, USEPA has found that Regulation APC 20 is largely unenforceable. Therefore, USEPA will be proposing to declare Regulation APC 20 deficient pursuant to sections 110(a)(2)(H)(ii) and 110(c)(1)(C) of the Clean Air Act in a separate **Federal Register** action to be issued shortly. USEPA cannot approve a relaxation from the existing federally approved SIP unless the relaxation would not interfere with the attainment or maintenance of the NAAQS. The State has not demonstrated in its submittal that the proposed reliance on Regulation APC 20 which represents a relaxation of the restrictions on visible emissions from nonstack sources will not interfere with the attainment or maintenance of the National Ambient Air Quality Standards. USEPA must therefore disapprove Section 3(a)(1)(C) of the regulation. In order to render this regulation approvable, the State must make such an attainment demonstration. In the absence of such a demonstration, the State must remove Section 3(a)(1)(C) from Regulation APC 3 and promulgate a substitute for controlling visible emissions from all nonstack sources.

4. Sections 3(a)(1)(D) and (a)(2)(C) require all fugitive dust emissions in both attainment and nonattainment areas to be controlled under the requirements of Regulation APC 20. As discussed above, USEPA has determined that Regulation APC 20 is unenforceable and will be issuing a **Federal Register** Notice of SIP Deficiency shortly. In its compliance modeling analysis, the State did not claim any emission reduction credits for the use of Regulation APC 20. In the submittal, the State has indicated that additional area source studies are being done in any area in which the State cannot demonstrate attainment of either the primary or the secondary standards. If the results of these further studies indicate that the State must control fugitive dust in order to achieve the standards, the State will have to make a commitment to develop strategies and to implement regulations for controlling fugitive dust so as to attain and maintain the NAAQS.

5. The proposed regulation provides temporary exemptions from the general visible emission limitations in Regulation APC 3 for boilers during startup, shutdown, and cleaning, and authorizes the Indiana Air Pollution Control Board (IAPCB) to grant special temporary exemptions of the same type and duration for other facilities. Although Section 4(a) of the regulation permits the applicable opacity limit in Section 3(a) to be exceeded during the building of a new fire in a boiler or the shutting down of a boiler, visible emissions cannot exceed 60 percent opacity and emissions in excess of the applicable opacity limit cannot continue for more than ten continuous minutes on one occasion in any 24-hour period. Similarly, Section 4(b) allows visible emissions to exceed the applicable opacity limit in Section 3(a) during the cleaning of a boiler or the blowing of tubes but restricts the visible emissions to 60 percent opacity and states that emissions in excess of the applicable opacity limit cannot continue for more than five continuous minutes on one occasion in any 60-minute period. Further, such emissions are not permitted on more than three occasions in any 12-hour period.

USEPA believes that Sections 4(a) and (b) are unenforceable since the regulation neither defines "continuous minutes" nor provides a computation method or procedure. Therefore, a possible interpretation of the provisions is that a source can exceed the applicable opacity limit in Section 4(a) for up to nine continuous minutes on numerous occasions in any 24-hour period and still not be inviolation of the regulation and that a source can exceed the applicable opacity limit in Section 4(b) for up to four continuous minutes on numerous occasions in any 60-minute period and still not be in violation of the regulation. In order to approve this provision, USEPA could permit only one exemption from the applicable visible emission standard which would last for ten or less minutes in any 24-hour period. Any second exceedance of the standard would be considered a violation of the provision whether or not the duration of the exceedance was equal to or longer than ten minutes. Further, any exceedance of the 60 percent opacity limit would constitute a violation of the regulation. The exemption in Section 4(b) would have to be similarly treated.

6. According to Section 2(a) of the regulation, APC 3 applies to all visible emissions emitted by or from any facility or source except those sources or facilities for which specific limitations are established by Regulations APC 9 APC 20, or APC 23. USEPA proposes to disapprove Section 2(a) of this regulation due to the fact that this provision renders the regulation vague in its application. In order to be approvable and to eliminate the enforceability problem, the regulation must clearly specify that it applies to sources which are not subject to specific visible emissions limitations imposed by other regulations.

Except for the portions of proposed Regulation APC 3 which incorporate the Federal New Source Performance Standards for visible emissions into Indiana law, USEPA proposes to disapprove proposed Regulation APC 3 because of the deficiencies discussed above. A disapproval of proposed Regulation APC 3 would not necessarily result, however, in an overall imposition of the growth restrictions of section

110(a)(2)(I) of the Clean Air Act in all particulate nonattainment areas. Pursuant to section 110(d) of the Act, Indiana's regulation APC 3, as federally approved on October 28, 1975, would remain the effective rule. USEPA believes that, for sources other than iron and steel, the current, federally approved Regulation APC 3 satisfies the requirements of the Act for an approvable Part D SIP. USEPA will propose rulemaking on the particulate control strategy for iron and steel sources in a future Notice of Proposed Rulemaking. Therefore, if proposed Regulation APC 3 is disapproved, the growth restrictions would continue to apply only in those nonattainment areas containing iron and steel sources.

For Part D purposes, USEPA would continue to enforce Regulation APC 3 as federally approved on October 28, 1975. That rule applies to both continuous and intermittent sources of visible emissions. Consistent with traditional application of that rule, opacities would be measured according to the observation techniques specified by USEPA Method 9, 40 CFR Part 60, Appendix A although averaging of consecutive observations would not be used for intermittent sources.

Regulation APC 9—Coke Oven Batteries

Indiana has submitted a new Regulation APC 9 which establishes emission limitations and inspection procedures for by-product coke oven batteries. USEPA will discuss this regulation and USEPA's proposed action on APC–9 in a separate Notice of Proposed Rulemaking concerning iron and steel process sources.

Regulation APC 23—Stationary Source Particulate Emission Limitations

The State of Indiana has proposed a new Regulation APC 23 which contains particulate emission limitations for all stack and non-stack facilities having a potential to emit 100 tons of particulate matter per year or actual particulate emissions of 10 tons per year which are located in Dearborn, Dubois, and Wayne Counties and for all Shelby County facilities producing fiber glass insulation by the superfine process with these potential or actual emissions. The regulation specifies emission limitations for specific source categories and a general emission limitation for facilities not covered by any specific limitation. APC 23 does not apply to the primary nonattainment areas of Lake, Marion, Vigo and LaPorte Counties.

If an emission limitation contained in Regulation APC 23 is not adequate to assure the attainment or maintenance of the particulate ambient air quality standard or to satisfy a Prevention of Significant Deterioration requirement under Part C of the Clean Air Act, Section 3(q) of the regulation provides for the establishment of a more stringent emission limitation in permits issued in accordance with proposed Regulation APC 19. Similarly, if an emission limitation in the regulation causes severe economic hardship for an individual source, Section 3(s) of the regulation allows the Indiana Air Pollution Control Board to establish a less restrictive limitation in a permit issued in accordance with proposed Regulation APC 19 as long as the less restrictive limitation will guarantee the attainment and maintenance of the particulate ambient air quality standards and protection of the PSD increment. Any change in an emission limitation specified in Regulation APC 23 must be submitted to USEPA as a revision to the federally approved State Implementation Plan according to section 8 of the regulation.

Emission limitations established for existing sources pursuant to Section 3(q) are contained in an appendix to the regulation. As permits are issued pursuant to this regulation by the Indiana Air Pollution Control Board which incorporate the emission limitations in Appendix A, the emission limitation in the permit will supersede and replace the corresponding limitation in the appendix.

USEPA has reviewed Regulation APC 23 and has determined that it contains the following deficiencies:

1. The applicability section of this regulation contains a deficiency which must be corrected. Section 2(b) of the regulation states that particulate emissions from stationary facilities located in attainment areas and from stationary facilities located in the nonattainment areas of Dearborn, Dubois, and Wayne Counties which are not specifically limited by emission limitations in Appendix A are limited by the applicable Regulations APC 3, APC 4R, APC 5, APC 6, APC 7, or APC 9. Thus, all stationary sources located in Dearborn, Dubois and Wayne Counties which are not covered under Appendix A are not covered by Regulation APC 23.

USEPA believes that it is counter to the intention of the IAPCB in adopting the regulation to exclude sources in these four counties which do not have more stringent emission limitations in Appendix A from the general emission limitations in Section 3 of the regulation. USEPA proposes to conditionally approve the regulation if the State makes a commitment to correct this technical error on a schedule to be negotiated between the State and the USEPA Regional Office during the comment period announced in this Notice. If USEPA has incorrectly interpreted the intent of the IAPCB concerning this provision, then the State must notify the USEPA during the thirty day comment period announced in this notice and demonstrate that the emission limitations contained in Regulations APC 3, APC 4R, APC 5, APC 6, APC 7 or APC 9 as applied to the sources in these four counties not covered by Appendix A are adequate to demonstrate the attainment and maintenance of the NAAQS.

2. Section 5(a) of the regulation contains a test method for determining compliance with the regulation by stack sources of particulate matter. The regulation does not contain a test method for determining compliance with the regulation by nonstack sources of particulate matter. Such a test method must include, at a minimum, specific methods for determining isokinetically the concentration of particulate matter in the emitted stream and specific method(s) for determining the flow rate of the emitted stream(s). The State must make a commitment either to include an enforceable test method or exceptable opacity limitations for determining compliance of non-stack sources with the regulation during the thirty day comment period announced in this Notice.

3. The emission limitations contained in Appendix A of this regulation are based on units of mass per time while the general emission limits contained in section 3 of the regulation are listed in grains per dry standard cubic foot or pounds per ton, or in pounds per million Btu. In order to evaluate the level of control achieved with the use of the emission limitations in the appendix, the allowable emissions for sources covered by the appendix must be converted into grains per dry standard cubic feet or pounds per tons, or pounds per million Btu. USEPA proposes to approve this provision if the State corrects this deficiency within the thirty day comment period announced in this Notice.

4. Shelby County, Indiana has been designated as an attainment county for particulates. The emission limitations contained in Appendix A of this regulation for facilities of the Knauf Fiber Glass Company in Shelby County are a relaxation from the emission limitations contained in existing Regulation APC 5 of the current federally approved State Implementation Plan. In order to approve a relaxation from the current

federally approved SIP, a State must submit technical support demonstrating that the National Ambient Air Quality Standards will be attained and maintained with the relaxation. Indiana did not submit technical support for this relaxation and the applicable increment to prevent significant deterioration will not be violated. USEPA proposes to approve the emission limitation in Appendix A for the Knauf Fiber Glass Company if during the thirty day comment period announced in this Notice the State submits technical support demonstrating that the revised emission limitation will attain and maintain NAAQS and protect applicable PSD increments.

USEPA proposes to approve Regulation APC 23 as a revision to the Indiana SIP if the above deficiencies are corrected prior to USEPA final rulemaking or to conditionally approve the regulation if the State makes firm assurances that the deficiencies will be corrected prior to USEPA final rulemaking or to conditionally approve the regulation if the State makes firm assurances that the deficiencies will be corrected according to the schedules negotiated between the State and the USEPA Regional Office during the thirty day comment period announced in this Notice.

Sulfur Dioxide

As described in the October 5, 1978 **Federal Register** (43 FR 46008), Marion County, Vigo County and portions of Lake, LaPorte and Wayne Counties are nonattainment areas for sulfur dioxide.

To attain and maintain the sulfur dioxide NAAQS in nonattainment areas, as required by Part D of the Act, Indiana submitted revised Regulation APC 13 which restricts SO_2 emissions from sources with a potential to emit 22.3 metric tons of sulfur dioxide per year (25 tons SO_2 per year) or 4.5 kilograms of SO_2 per hour (10 lb. SO_2 per hour). The emission limitations contained in Regulation APC 13 apply statewide. Where computer studies showed that specific sources in nonattainment areas required more stringent controls, site specific emission limitations were developed and adopted by the IAPCB in an Appendix to Regulation APC 13. As State operating permits incorporating these emission limits are issued pursuant to Regulation APC 19, the emission limitation in the permit will supercede and replace the corresponding limitation in the Appendix. Any change in an emission limitation specified in Regulation APC 13 or in Appendix A to Regulation APC 13 must be submitted to USEPA as a revision to the Federally approved State Implementation Plan.

By letter dated October 4, 1979, the State of Indiana informed USEPA that it intended to revise its SO_2 attainment strategy for Vigo County, and officially withdrew from the SIP the portions of APC 13 Appendix A which pertain to Vigo County sources. Therefore, USEPA will not propose rulemaking with respect to the adequacy of sulfur dioxide plan for Vigo County at this time. Rulemaking on the Vigo County SO 2 plan will be proposed at a future date after the revisions to the strategy are incorporated into APC 13, adopted by the Indiana Air Pollution Control Board, and submitted to USEPA as a revision to the Indiana SIP. It should be noted that the Clean Air Act prohibitions against construction or modification of major SO_2 sources will continue to apply to Vigo County until a revised plan is approved by USEPA.

This Notice of Proposed Rulemaking first addressed deficiencies in the strategy for the State as a whole and then discusses deficiencies relative to specific nonattainment areas.

Section 5 of Regulation APC 13 specifies two test methods for determining compliance with the rule: a stack test carried out in accordance with 40 CFR Appendix A Method 6 or by average sulfur content of the fuel used over a 30 day period. USEPA is proposing to approve the stack test method. USEPA is proposing to disapprove the use of a 30 day averaging period because there is no demonstration that this method will protect the NAAQS for SO_2.

Section 7 contains compliance timetables for "all sources which are operating on the promulgation date of the regulation and which have been issued new emission limitations pursuant to Section 3(c) . . . " This compliance schedule requires compliance by October 31, 1981. Section 7 also provides that if compliance is not possible by October 31, 1981 the Indiana Pollution Control Board may grant an extension to no later than December 31, 1982.

Section 7 of APC 13 is deficient in that new compliance schedules can only be approved for sources which are subject to more stringent emission limitations as a result of the revised regulation. Sources for which this revised regulation represents a relaxation of the previous federally approved SIP cannot be given additional time to achieve compliance with the regulation (44 FR 20373). This deficiency must be corrected before USEPA can approve Section 7 of Regulation APC 13.

Jefferson County

The present designation of Jefferson County is unclassified. Appendix A to the revised Regulation APC 13 does not list any source specific emission limitations for Jefferson County. Therefore, large power plants in Jefferson County would be required to meet the general emission limitation of 6.0 lb. SO_2 per MmBtu in revised Regulation APC 13. The technical analysis for Jefferson County shows potential violations of the secondary NAAQS at the 6 lb/MBtu limitation. Also, Kentucky has initiated an action under Section 126 of the Act alleging that sources located in Jefferson County Indiana are causing violations of the SO_2 NAAQS in Kentucky. Before USEPA can approve a control strategy for Jefferson County, the State must provide USEPA with a demonstration showing that the applicable emission limitations will protect the NAAQS in both Indiana and Kentucky. Therefore, USEPA proposes to disapprove APC 13 as it applies to Jefferson County.

This disapproval of APC 13 for Jefferson County would not result in the imposition of the industrial growth prohibitions contained in section 110(a)(2)(I) of the Act because Jefferson County is designated unclassifiable.

Wayne County

As previously discussed under APC 22, Indiana advised USEPA that the Indiana Air Pollution Control Board voted to recommend redesignating Wayne County as an attainment area for SO_2 and to delete the Wayne County SO_2 attainment strategy from the SIP. The Indiana submittal did not contain any technical support for the recommended designation change. Violations of the 24-hour and 3-hour National Ambient Air Quality Standards for SO_2 in the City of Richmond in Wayne County, Indiana Appear to be the result of emissions from a municipally owned electric generating station located within the city. The source in question is by far the largest emitter of sulfur dioxide in the County, and the plant is located downwind of the monitor which recorded the violations. Violations of the sulfur dioxide air quality standards have not been monitored in Wayne County since 1977. In that year the plant in question voluntarily reduced operations and began purchasing lower sulfur coal. It is likely that these operational changes have been responsible for the improved air quality in Wayne County, Indiana. However, APC 13 does not contain enforceable requirements that these oprating practices remain in effect to

ensure protection of air quality. Because of the lack of a control strategy for the Wayne County nonattainment area, and the lack of a demonstration that the revised regulation APC 13 will attain and maintain NAAQS in the vicinity of Richmond, Indiana, USEPA proposes Indiana's SO_2 plan for Wayne County as being inadequate to meet the requirements of Section 110 of the Clean Air Act.

Dearborn, Porter, and Warrick Counties

The present designation for Dearborn, Warrick, and a portion of Porter County is unclassifiable. Appendix A to the revised Regulation APC–13 does not list any source specific emission limitation for these counties, and therefore, all facilities with potential to emit 25 tons or more of SO_2 per year would be required to meet the general emission limitation of 6.0 lb. SO_2 per MBTU. This represents a relaxation from the emission limitations approved for these counties by the USEPA in 1973 and 1976. No technical support for this relaxation was provided nor did the State demonstrate that these revised regulations assure the attainment and maintenance of the NAAQS. Therefore, USEPA proposed to disapprove APC–13 as it applies to Dearborn, Warrick, and the portion of Porter County designated unclassifiable, unless the State submits during the public comment period adequate technical justification which demonstrates that the attainment and maintenance of the NAAQS for these three Counties is assured. Since these Counties are designated unclassifiable rather than nonattainment, a disapproval of APC–13 for these Counties would not result in the imposition of the industrial growth prohibition contained in section 110(a)(2)(I) of the Act.

Lake, Marion, and LaPorte Counties

Indiana did include sulfur dioxide control strategies for the nonattainment areas in Marion, Lake, and LaPorte Counties. The modeling analyses submitted with Indiana's control strategies, however, were deficient since they failed to demonstrate that the sulfur dioxide strategies will attain and maintain the NAAQS. The deficiencies in the modeling analyses are as follows:

1) Background concentrations for all appropriate averaging periods (3-hour, 24-hour, and annual) did not appear to be determined and applied in the modeling analyses submitted for the nonattainment areas. This is necessary for determining whether the NAAQS are violated since two modeling analyses for a General Motors facility (Detroit Diesel Allison) showed either a potential violation of the 24-hour NAAQS or an actual violation at certain receptors. Background concentrations should be determined for all averaging periods in accordance with accepted methods. For initial guidance USEPA recommends the Guideline on Air Quality Models, EPA–450/2–78–027, April 1978.

2) The emission inventory for Marion County contained information from only six sources. Proper utilization of the model should include the use of a comprehensive emission inventory which includes all significant source contributions.

The Lake County emission inventory does not include the American Brick facility located in Munster, Indiana. Consequently, this facility was not included in the modeling study used to demonstrate attainment of the sulfur dioxide NAAQS in Lake County. An ambient air quality monitoring study of this facility, performed by USEPA in August, 1979, showed monitored violations of the 24-hour SO_2 NAAQS at sites located 0.6 kilometers from the facility. This facility must be included in the sulfur dioxide emission inventory for the attainment modeling analysis. If attainment cannot be demonstrated, then a control strategy must be developed which addresses the emissions from this source.

3) The modeling analysis for the Lake County nonattainment areas applied the NRC-delta T classification scheme in validating RAM. This is not a comprehensive treatment of stability because it fails to address such factors as windspeed, insulation, and cloud cover. USEPA recommends the Pasquill-Gifford Turner Classification Scheme.

4) The analysis of Marion and LaPorte Counties did not contain documentation for the meteorological data base used in the modeling analysis. Such documentation should indicate the years of data used and location of meteorological stations used in the analysis.

5) No analysis was provided which demonstrated attainment and maintenance of the 3-hour secondary standard and the annual standard in the nonattainment areas.

6) The Marion County analysis lack documentation of the receptor network coverage and resolution, and a listing of high and second high concentrations of the critical days analyzed.

USEPA further proposes to disapprove APC–13 as it applies to Dearborn, Jefferson, Warrick, Wayne, and that portion of Porter County designated as "unclassifiable". USEPA can conditionally approve the control strategy demonstrations for Marion, Lake, and LaPorte Counties if the State of Indiana revises Section 5 of Regulation APC–13 as discussed above, and commits to correct the other noted deficiencies according to a schedule to be negotiated between the State and the USEPA Regional Office. This schedule must be negotiated during the comment period announced in this notice of proposed rulemaking. USEPA will propose rulemaking in the SO_2 plan for Vigo County upon formal State submittal of this portion of the SIP.

Ozone

Nine counties in Indiana have been designated as nonattainment areas for ozone. On January 26, 1979 (44 FR 8220), USEPA revised the National Ambient Air Quality Standard (NAAQS) from 0.08 parts 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 States to revise their State Implementation Plans (SIP) 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 by December 31, 1982. In cases where attainment by 1982 cannot be demonstrated despite the application of all reasonably available control measures, extensions of the attainment date may be granted to not later than December 31, 1987. For stationary sources in major urban areas of 200,000 or greater population, the plan must include, as a minimum, legally enforceable regulations reflecting the application of reasonably available control technology for those stationary sources for which USEPA has published a Control Techniques Guideline (CTG) by January 1978. For mobile sources, the plan must provide for expeditious implementation of reasonably available transportation control measures. In addition to these requirements, a SIP which provides for attainment of the ozone standard after December 31, 1982 must contain a specific schedule for the implementation of vehicle emission control inspection and maintenance (I/M) program.

The Indiana submittal contained sections on transportation control plans, vehicle inspection and maintenance and stationary source controls. The State of Indiana indicated in the proposed SIP revision of June 26, 1979 that because of the relaxation of the ozone standard (44 FR 8220), additional time was required by the State to develop and adopt reasonably available control technology

regulations for existing sources of VOC. On February 11, 1980 the State submitted these regulations to USEPA. USEPA is now reviewing these regulations and will propose rulemaking on them at a later date. Until this review has been completed, USEPA cannot evaluate the amount of estimated emission reductions which can be expected from these sources. Therefore, USEPA can neither assess the adequacy of the Indiana attainment demonstration of the ozone National Ambient Air Quality Standard in those urban areas of 200,000 or greater population nor evaluate the reasonable further progress (RFP) schedules for these urbanized areas. USEPA has, however, reviewed the ozone submittal and sent a detailed letter to the Director of the Indiana Air Pollution Control Division containing comments on the emission inventories and the demonstrations of attainment. This letter is available for review and copying at the addresses listed in the front of this Notice.

USEPA has stated its opinion (44 FR 20372) that the revision to the ozone standard does not affect the schedule for the submittal of revisions required under Part D of the Clean Air Act. Section 110(a)(1) of the Act requires that SIP revisions be submitted within nine months after a standard is revised. This refers only to SIP revisions legally required because of a revision to the standard (i.e. when a new pollutant becomes regulated under section 110 of the Act or where a standard is revised to be more stringent). Where a standard is relaxed, however, no SIP revision is required by law, since States are permitted under section 116 of the Act to have more stringent controls than necessary to meet minimum Federal requirements. Since it is the State's option whether to relax new requirements to the 0.12 ppm level, the State may determine its own schedule for accomplishing this. In any case, a SIP at least adequate to attain the 0.12 ppm ozone standard must be approved by USEPA prior to July 1, 1979 as a precondition for the construction or modification of any major source of VOC in a nonattainment area.

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. USEPA has reviewed the ozone portion of the Indiana submittal and has determined that it contains omissions of such significance that USEPA cannot propose rulemaking on the adequacy of the entire ozone SIP at this time. Further, until USEPA has completed its review of the VOC stationary controls, it cannot propose rulemaking on the transportation plan component of the ozone submittal at this time. USEPA's review of the transportation plan submittal is below. USEPA has reviewed the inspection and maintenance component of the SIP submittal and proposes rulemaking on it as discussed below.

Transportation Plan Discussion

The proposed Indiana SIP revision on transportation discussed five urban areas. Transportation control plans have been submitted for the reduction of VOC emissions in Indianapolis, Fort Wayne, and in the interstate areas of Northwest Indiana, South Bend, and Louisville. A transportation control plan has been submitted for the reduction of carbon monoxide emissions in Indianapolis. A partial transportation control plan for the reduction of carbon monoxide emissions has been submitted for Northwest Indiana. Some of the transportation control plans submitted by the State contain measures designed to attain various ozone levels other than the current 0.12 ppm ozone standard. As previously noted, USEPA recently revised the National Ambient Air Quality Standard. An adequate SIP designed for an ozone level below 0.12 will be at least stringent enough to satisfy requirements for the 0.12 level. It is therefore the State's option whether to relax new requirements back to the 0.12 level or, pursuant to section 116 of the Act, to choose more stringent controls than are necessary to achieve the NAAQS. The use of more stringent controls may create emission offsets for future sources of hydrocarbons.

As discussed above, without an adequate attainment demonstration USEPA cannot evaluate the adequacy of the proposed emission reduction to be obtained from transportation control measures. The attainment demonstration consists of determining the overall amount of emission reduction necessary to attain the ozone standard. This reduction in emmissions will come from control strategies affecting both stationary and mobile sources. Since the amount of the emission reductions from stationary sources cannot be determined due to the lack of VOC–RACT regulations, determinations of the adequacy of the mobile source reductions are not possible. Therefore, USEPA will not propose rulemaking on the transportation component of the Indiana ozone submittal at this time. Similarly, USEPA will not propose rulemaking at this time on the transportation component of the Indiana carbon monoxide submittal. Rulemaking cannot be proposed because the State has not submitted a complete carbon monoxide strategy for Northwest Indiana. In addition, the State did not submit a complete carbon monoxide control strategy for Indianapolis until March 11, 1980. As previously stated, plan approval is a prerequisite for the construction or modification of any major source of VOC or carbon monoxide in a nonattainment area.

To assist Indiana and the lead local agencies in the preparation of the required submittals, USEPA has reviewed the transportation plans which were submitted against 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 SIP's". To be fully approvable, the transportation portion of a State Implementation Plan revision must contain the information listed in 1–8 below. Specific deficiencies which USEPA has noted in the preliminary submittal are discussed under each geographical area.

1. *Technical Assessments, Demonstrations of Attainment, and Reasonable Further Progress.* Pursuant to section 172(b)(3) of the Act, 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 already adopted transportation measures and schedules for the analysis and adoption of additional transportation measures. If attainment of the ozone and carbon monoxide standards by December 31, 1982 cannot be demonstrated, the SIP must contain a formal request for an extension of the statutory attainment deadline.

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 responsibilities for strategy evaluation, adoption, implementation and enforcement and identify procedures and criteria for determination of consistency / conformity of transportation plans and projects with the SIP.

3. *Analysis of Alternatives.* Pursuant to section 172(b)(2) of the Act, all

reasonably available transportation measures must be evaluated and considered for implelmentation. 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. The SIP submittal must also contain a commitment by the Metropolitan Planning Organizations (MPO's) to justify any decision not to adopt a strategy listed in section 108(F) of the Act.

4. *Implementor Commitments.* Pursuant to section 172(b)(10) of the Act, the SIP must include written evidence that the state and other governmental bodies have adopted the necessary requirements in legally enforceable form. Further, the SIP must contain commitments to implement and enforce the SIP strategies. Areas needing an extension beyond 1982 for attainment of CO or 03 standards must also commit to meeting basic transportation needs.

5. *Financial and Manpower Resources.* Pursuant to section 172(b)(7) of the Act, the SIP Must identify the fiscal and manpower resources necessary to carryout 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 the implementation of strategies and in the achievement of annual emission reductions. Section 176 requires a lead local agency determination that its plans and programs conform with the revised SIP.

7. *Impacts of Plan Provisions.* Pursuant to section 172(b)(8) 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 proposed strategies. Additional guidance material requires the documentation of a continuous public education program in each nonattainment area.

A discussion of USEPA's review of each of the five transportation control plans follows. The discussion highlights those elements of the plans which satisfy the requirements outlined above and those elements of the plans which are deficient and must be corrected.

Northwestern Indiana

The transportation plan for Northwestern Indiana was prepared by the Northwestern Indiana Regional Planning Commission (NIRPC) which has been designated pursuant to section 174 of the Clean Air Act as the lead local agency for coordinating, developing, and implementing the control measures in the plan.

The transportation plan contains measures designed to attain and maintain the National Ambient Air Quality Standards for ozone and carbon monoxide in Lake and Porter Counties. The submittal addresses the revised ozone standard of 0.12 ppm. A discussion of USEPA's review follows:

1. Analysis of Alternatives. NIRPC has made a commitment to carry out a detailed analysis of alternative transportation control measures by JUly 1980. A timetable identifying interim dates for the completion of the analyses must be included in the submittal. Such a schedule was approved in USEPA's grant to NIRPC under section 175 of the Clean Air Act. That schedule or a similar schedule should be submitted as part of the SIP revision.

2. Financial and Manpower Resources. Although specific transportation projects have been identified in the submittal for obtaining carbon monoxide and hydrocarbon emission reductions, the submittal does not identify the process by which the projects will be funded.

A schedule for the implementation of transportation control measures must be submitted identifying, at a minimum, when the projects will be included in the annual element of the region's transportation improvement program; when the project will be included in a multi-year Statewide program, if necessary; and when the project will be included in the Statewide Section 105 program under the Federal Air to Highway Act if these funds are to be used in the project.

3. Public Participation. The Northwest Indiana portion of the Indiana SIP revision indicates that NIRPC has actively involved the public and local officals in the transportation-air quality planning process through its committee structure, public meetings and newsletters. In a grant to NIRPC under section 175 of the Clean Air Act, NIRPC identified additional public information activities it will be performing. The SIP submittal should include a schedule for the undertaking of these additional public information activities.

4. Reasonable Further Progress—CO. NIRPC and key implementors submitted resolutions in the SIP revision committing to specific annual mobile source emission reduction targets. Additional information is required, however, to assure that NIRPC achieves reasonable further progress in eliminating monitored and projected "hot spot" violations of the carbon monoxide NAAQS. To assure attainment of the carbon monoxide standard as expeditiously as practicable, NIRPC must specifically identify in the SIP submittal all areas needing "hot spot" strategies to achieve attainment, and provide a schedule for eliminating violations at these specific hot spots.

5. Reporting of Progress. As discussed above, NIRPC and other key implementors have made a firm commitment to specific annual reduction targets for carbon monoxide and hydrocarbon emissions in order to satisfy the statutory requirement for reasonable further progress. To assure that emission reductions achieve the reasonable further progress line for mobile sources, NIRPC must identify a mechanism for annually monitoring, measuring, and reporting emission reductions from current and future TSM/TIP projects to the Indiana Air Pollution Control Division.

6. Impacts of Plan Revision. The submittal for Northwest Indiana does not adequately identify and analyze the air quality, health welfare, economic, energy and social effects of the plan provisions and the alternatives considered. NIRPC must submit a detailed schedule for completing the impact analysis of the strategies considered for implementation.

7. Technical Assessments. In order to demonstrate attainment of the NAAQS and to monitor Reasonable Future Progess, NIRPC must submit a description of the analytical techniques which have been used and will be used for evaluating the air quality impacts of transportation projects.

8. Strategies for Demonstrating attainment. NIRPC included the following table in the submittal identifying those strategies contained in section 108 of the Clean Air Act which have been implemented, adopted but not yet implemented, scheduled for study, and determined not to be feasible. Although a determination cannot be made if these adopted strategies alone are sufficient to demonstrate attainment of the standards, the strategies identified in the submittal are approvable.

9. Commit to Basic Transportation Needs. Through policy resolutions by the Transit Authorities there is evidence of Northwest Indiana's effort to meet basic transportation needs.

Status of Section 108 Strategies in Northwest Indiana

Strategies	Adopted and implemented	Adopted and not yet implemented	Scheduled for study	Determined not to be feasible
Inspection/Maintenance Transit Operations		X		
Service improvement	X	X	X	
Service expansion	X		X	
Kiss-Ride facilities			X	
Para-Transit			X	
Carpooling and Vanpooling:				
Areawide			X	
Employer specific	X		X	
Parking Management:				
On-street parking	X		X	
Fringe parking			X	
Other			X	
Traffic Flow Improvement:				
Reverse lanes	X	X	X	
Driver advisory system				X
Ramp control			X	
Widening	X	X	X	
Alinement	X	X	X	
Signal progression			X	
Traffic actuated			X	
One-way streets		X	X	
Pedestrian control			X	
Computerized signal system			X	
Limit Portions of Road Surfaces:				
Separate roadbeds				X
Contra-flow lanes				X
Bypass lanes on entrance ramps				X
Exclusive lanes upstream				X
Continuous exclusive lanes				X
Work Schedules:				
Staggered hours			X	
4 day work week			X	
Road User Charges:				
Tolls				X
Parking taxes			X	
Bicycle Storage Facilities			X	
Retrofit:				
Light-duty vehicle				X
Heavy-duty vehicle			X	
Control Fleet Vehicle Operations				X
Deferred Strategies:				
Control extreme cold start condition				
Vapor emissions from fuel transfer				
Limit portions of road surfaces for pedestrian				
Limit portions of road surfaces for common carriers				

Fort Wayne

The transportation plan for Ft. Wayne was prepared by the Northwestern Indiana Regional Coordinating Counsel (NIRCC) which has been designated pursuant to section 174 of the Clean Air Act as the lead local agency for coordinating, developing, and implementing the control measures in the plan.

The transportation plan contains measures designed to attain and maintain the National Ambient Air Quality Standards for ozone in the Ft. Wayne urbanized area. The plan was developed to attain an ozone standard of 0.08 ppm for a maximum hourly average. A discussion of USEPA's review follows:

1. Analysis of Alternatives. NIRCC has made a commitment to carry out a comprehensive analysis of alternative transportation control measures by July 1980. A timetable identifying interim dates for the completion of the analysis and for the adoption of reasonably available measures must be included in the submittal. Although such a schedule was approved in USEPA's grant to NIRCC under section 175 of the Clean Air Act, that schedule or a similar schedule must also be submitted as part of the SIP revision.

2. Financial and Manpower Resources. Although specific transportation projects have been identified in the submittal for future implementation, the plan for Ft. Wayne does not adequately identify the transportation programming process by which the projects will be funded. A schedule for the implementation of transportation control measures must be submitted identifying, at a minimum, when the projects will be included in the annual element of the region's transportation improvement program; when the project will be included in a multi-year Statewide program, if necessary; and when the project will be included in the Statewide Section 105 program under the Federal Aid to Highway Act if these funds are to be used in the project.

In addition, NIRCC must provide a more detailed description of the financial and manpower resources generally available for air quality-transportation planning activities. This description should include an estimate of staff time allocated to these activities and NIRCC funding requirements and sources of funding.

3. Technical Analyses, Reasonable Further Progress. In order to demonstrate attainment of the National Ambient Air Quality Standard for ozone and to monitor reasonable further progress, NIRCC must submit a description of the analytical techniques which have been used and will be used for evaluating the air quality impacts of transportation projects. This description should identify at a minimum how NIRCC analyzes a project for air quality impacts based on changes in vehicle miles traveled, changes in vehicle trip length, changes in vehicle speed, and reductions of hydrocarbons in tons per year.

NIRCC has established an annual hydrocarbon emission reduction target of 0.006% from transportation strategies which will attain the former ozone standard of 0.08 ppm ozone by December 1987.

4. Impacts of Plan Provisions. The Ft. Wayne plan does not adequately identify and analyze the air quality, health, welfare, economic, energy and social effects of the plan provisions and the alternatives considered. NIRCC must submit a detailed schedule for completing the impact analyses of the alternatives contained in Section 108(f) of the Clean Air Act. Although such a schedule was approved in the grant to NIRCC under Section 175 of the Clean Air Act, that schedule or similar schedule must also be submitted as a SIP revision.

5. Implementor Commitments. The Ft. Wayne plan contains most of the planning commitments required by the guidance. The Urban Transportation Advisory Board of NIRCC has submitted an acceptable commitment dated November 6, 1978 to achieve the necessary emission reductions from the implementation of mobile source strategies. The submittal also includes commitments from other key implementors to utilize the planning process and to implement strategies necessary to achieve reasonable further progress.

6. Public Participation. Although NIRCC has submitted a description and a schedule for undertaking public

education and information activities, this description and schedule must be more detailed.

7. Interagency Agreements and Assignment of Tasks. NIRCC has signed a memorandum of understanding with the Indiana Air Pollution Control Division outlining respective responsibilities and roles. This Memorandum of Understanding must be submitted as part of the SIP revision. In addition, NIRCC must include in the submittal a description of the authority, organization, and goals of the Local Air Quality Advisory Committee.

8. Reporting of Progress. NIRCC has not satisfied the requirement of section 176(c) of the Clean Air Act that an annual determination be made that existing and future plans and programs of the lead local agency conform to the requirements of the Clean Air Act. NIRCC must submit a procedure for annually making this determination.

South Bend Interstate Area

The transportation plan for the South Bend Interstate area was prepared by the Michiana Area Council of Governments (MACOG) in conjunction with the Southwest Michigan Regional Planning Commission for the Nile, Michigan portion of the interstate area. Although the planning process addresses the interstate area, hydrocarbon reduction strategies are proposed only for the Indiana portion of the interstate area. The plan was developed to attain an ozone standard of 0.10 ppm for a maximum hourly average. A discussion of USEPA's review follows:

1. Impacts of Plan Provisions. The submittal for South Bend does not adequately identify and analyze the air quality, health, welfare, economic, energy and social effect of the plan provisions and the alternatives considered. MACOG must submit a detailed schedule for completing the impact analyses of the strategies considered for implementation under section 108(f) of the Clean Air Act.

2. Public Participation. MACOG has not submitted a description of future public information and education activities. MACOG must submit a description of projected activities and a schedule for undertaking the activities.

3. Technical Assessments, Reasonable Further Progress. In order to demonstrate attainment of the NAAQS for ozone and to monitor reasonable further progress, MACOG must submit a description of the analytical techniques which have been used and which will be used for evaluating the air quality impact of transportation projects. This description should identify, at a minimum, how MACOG analyzes a project for air quality impacts based on changes in vehicle miles traveled, changes in vehicle trip length, changes in vehicle speed, and reductions of hydrocarbons in tons per year.

MACOG must also submit projected annual hydrocarbon emission reductions from transportation activities so that the reasonable further progress line can be determined.

4. Reporting of Progress. To assure that hydrocarbon emission achieves the reasonable further progress line for mobile sources, MACOG must identify a mechanism for annually monitoring and reporting emission reductions from current and future TSM/TIP project to the Indiana Air Pollution Control Division.

5. Financial and Manpower Resources. Although specific transportation projects have been identified in the submittal for obtaining hydrocarbon emission reductions, the submittal does not identify the process by which the projects will be funded. A description of the project programming process must be included in the SIP submittal identifying a schedule for the following steps: Transportation Systems Management adoption, Transportation Improvement Plan adoption; and submital of measures to the Indiana Highway Commission for State Approval and for securing necessary funds for project implementation.

6. Implementor Commitments. The commitment from MACOG's Policy Committee to achieve reasonable further progress and to utilize the planning process to attain the ozone standard in the South Bend Interstate Area by December 31, 1982 is approvable. MACOG, however, must further commit itself to obtain commitments to the specific strategies and the annual reduction target from those agencies and units of government which will be implementing the transportation strategies.

7. Interagency Agreements and Assignments of Tasks. MACOG has signed a memorandum of understanding with the Indiana Air Pollution Control Division outlining respective roles and responsibilities. This Memorandum of Understanding must be submitted as part of the SIP revision.

8. Strategies for Demonstrating Attainment. MACOG included the following table in the submittal identifying those strategies which have been adopted and which will be implemented in the future. USEPA believes these strategies are appropriate although a determination cannot be made at this time if these strategies will be adequate to demonstrate attainment. Further, although the submittal indicates that an extension to 1987 is necessary, this cannot be determined at this time.

As discussed previously, the NAAQS for ozone has been revised from 0.08 ppm photochemical oxidants on a maximum hourly average to 0.12 ppm ozone on a maximum hourly average. Therefore, an extension can be granted only if the strategy measures in the submittal are inadequate to demonstrate attainment of the 0.12 ppm ozone NAAQS by December 31, 1982. In order to obtain an extension, MACOG must demonstrate that the strategies chosen to attain the 0.10 level are inadequate to demonstrate attainment of the 0.12 standard by December 31, 1982.

City of Elkhart and Elkhart County—SIP Strategy Description of Adopted But Not Yet Implemented Measures

Project	HC reductions (tons/day)
1982 Credits:	
Johnson Cone Corridor (3 projects)	0.0299
Four Intersections: Bristol Street-Channelization; Benham-Hively; Prairie-Hively; and Goshen-Toledo Road	0.0256
Lexington-From U.S. 20 to Napanee	0.0115
New Bus Service	0.0045
1987 Credits:	
U.S. 20 Bypass (2 Projects)	0.0303
Northern County Bypass	0.0059
State Route 19 (From S.R. 112-Mich State Line)	0.0046

Louisville Interstate Area

The transportation plan for the Indian a portion of the Louisville interstate area was prepared by the Kentuckiana Regional Planning and Development Agency (KIPDA) which has been designated pursuant to section 174 of the Clean Air Act as the lead local agency for coordinating, developing, and implementing the control measures in the plan. Since this is not only an interstate area but also an inter-regional area for USEPA, a policy decision was made that the Kentucky Department of Natural Resources (KDNR) and the Region IV office of the USEPA have primary responsibility for the Louisville area.

The transportation plan contains measures designed to attain and maintain the National Ambient Air Quality Standards for ozone in Indiana's Clark and Floyd Counties. The plan was developed to attain an ozone standard of 0.08 ppm for a maximum hourly average.

A discussion of USEPA's review follows:

1. Public Participation. Although KIPDA has submitted a description and schedule for undertaking public education and information activities,

this description and schedule must be more detailed.

2. Implementor Commitments. The submittal included a KIPDA Policy Committee commitment dated December 7, 1978 and a Transit Authority of River City Commitment dated September 19, 1978. The commitments are to utilize the planning process outlined in the SIP revisions and to achieve reasonable further progress. The submittal does not, however, separate the total percentage of hydrocarbon emission reduction necessary to attain the standard into a transportation related component and a stationary source component. Once Indiana has adopted stationary source VOC regulations and an attainment strategy which specifies the quantity of emission reductions needed from mobile sources, KIPDA must commit itself to obtain the reductions in the transportation component. KIPDA must also obtain commitments from key implementors of the transportation strategies to achieve mobile source emission reductions which will demonstrate reasonable further progress.

3. Technical Assessments, Demonstrations of Attainment. The transportation plan for the Indiana portion of the Louisville interstate area predicts that additional strategies beyond those contained in this SIP revision will be required to attain an 0.08 ppm ozone level. Therefore, KIPDA is requesting an extension of the December 31, 1982 attainment date pursuant to section 172 of the Clean Air Act. KIPDA's planning process is designed to attain the standard by selecting additional strategies by July 1, 1980 for implementation after December 31, 1982. As discussed previously the NAAQS for ozone has been revised from 0.08 ppm photochemical oxidants on a maximum hourly average to 0.12 ppm ozone on a maximum hourly average. Therefore, an extension can be granted only if the strategy measures in the submittal are inadequate to demonstrate attainment of the 0.12 ppm ozone NAAQS by December 31, 1982. In order to grant an extension, KIPDA must submit a demonstration that the strategies chosen to attain an 0.08 ppm level are inadequate to demonstrate attainment of the 0.12 ppm ozone NAAQS by December 31, 1982. The following table outlines the projected emission reductions from each proposed strategy. USEPA believes that the proposed strategies are appropriate but cannot determine the adequacy of the projected emission reductions until USEPA completes its review of the VOC stationary source controls.

Emission Reductions From Proposed Strategies by County

Tons Per Year Reduction

Year	Jefferson (Kentucky)		Floyd (Indiana)		Clark (Indiana)	
	HC	CO	HC	CO	HC	CO
Metro Carpool Program:						
1982	77	563	4	42	15	100
1987	48	433	3	34	14	76
Improvement of Public Mass Transit:						
1982	168	1,230	.....	.....	.....	.....
1987	110	919	.....	.....	.....	.....
Highway Improvement Projects:						
1982	717	11,268	52	814	128	2,015
1987	590	10,232	45	784	105	1,818
Five Year TARC Five Year Improvement Program:						
1982	194	1,425	.....	.....	.....	.....
1987	127	1,065	.....	.....	.....	.....
Center City Transportation Study:						
1982	305	1,879	.....	.....	.....	.....
1987	203	1,430	.....	.....	.....	.....
* Annual Element of TARC 5-Year Improvement Program:						
1982	21	157	.....	.....	.....	.....
1987	14	118	.....	.....	.....	.....
Long Range Bicycle Plan for Jefferson County:						
1982	4	33	.....	.....	.....	.....
1987	3	25	.....	.....	.....	.....
Implementation of all Programs (With TARC Annual Element Counted in its 5-Year Program:						
1982	1,465	16,398	56	856	143	2,115
1987	1,081	14,104	48	818	119	1,894
Total, All three Counties: *Year*—1982; *HC*—1,664; *CO*—19,369; *Year*—1987; *HC*—1,248; *CO*—16,816.						
Inspection Maintenance:						
1982	2,320	49,750	150	2,220	330	4,900
1987	3,760	41,950	250	1,900	510	6,610
Grand Total With I/M:						
1982	3,785	66,148	206	3,076	473	7,015
1987	4,841	56,054	298	2,718	629	8,504
Total, All three Counties: *Year*—1982; *HC*—4,464; *CO*—76,239; *Year*—1987; *HC*—5,768; *CO*—67,276.						

*The reductions resulting from the Tarc Annual Element are included in the TARC Five Year Plan and were not double counted in the totals.

Indianapolis

The transportation plan for Indianapolis was prepared by the Indianapolis Department of Metropolitan Development (DMD) which has been designated pursuant to section 174 of the Clean Air Act as the lead local agency for coordinating, developing, and implementing the control measures in the plan. The transportation plan contains measures designated to attain and maintain an ozone level of 0.08 ppm hourly maximum average in Indianapolis.

Although portions of the Indianapolis area were designated as not attaining the carbon monoxide NAAQS, the submittal did not include either strategies for attaining the standard or technical analyses demonstrating attainment of the standard. Therefore, USEPA will not propose rulemaking at this time on either the carbon monoxide or on the ozone portion of the Indianapolis transportation control plan.

1. Interagency Agreements and Assignments of Tasks. The submittal must include a new interagency agreement on the purpose, goals, authority and structure of the Air Quality Task Force of the Indianapolis Regional Transportation Council.

2. Reporting of Progress. In order to assure that future transportation planning is consistent with the requirements of the Clean Air Act, DMD must submit procedures for an annual determination of the consistency of its transportation programs with the State Implementation Plan.

3. Impacts of Plan Provisions. The submittal for Indianapolis does not adequately identify and analyze the air quality, health, welfare, economic, energy and social effects of the plan provisions and the alternatives considered. DMD must submit a detailed schedule for completing the impact analyses of the strategies considered for implementation.

4. Public Participation. Section 172(b)(9) of the Act requires evidence of local government involvement and consultation in the planning process. DMD has not satisfied this requirement and must submit a description of the process for including local governments in the transportation planning process.

5. Implementor Commitments. Although the DMD has submitted an adequate commitment to utilize the planning process and to attain reasonable further progress in hydrocarbon emission reductions, DMD must submit a similar commitment for

carbon monoxide emission reductions. In addition, other implementors must submit commitments to achieve the reasonable further progress emission reduction targets and to utilize the transportation planning process.

6. Financial and Manpower Resources. Although DMD has submitted a flow chart describing its transportation planning and decision making process, the SIP must contain a more detailed description of the process by which projects are funded.

A schedule for the implementation of transportation control measures must be submitted identifying, at a minimum, when the projects will be included in the annual element of the region's transportation improvement program; when the project will be included in a multiyear Statewide program, if necessary; and when the project will be included in the Statewide Section 105 program under the Federal Aid to Highway Act if these funds are to be used in the project.

In addition, DMD must include a list of potential funding sources for the strategies identified in the submittal. Evidence must be submitted by DMD that public transit has priority for funding and project implementation.

7. Reporting of Progress. To assure that projected emission reductions achieve the reasonable further progress line for mobile sources, DMD must identify a mechanism for annually monitoring and reporting emission reductions from current and future TSM/TIP projects to the Indiana Air Pollution Control Division.

8. Analysis of Alternatives. DMD has made a commitment to carry out a comprehensive analysis of alternative transportation control measures by July 1980. A timetable identifying interim dates for the completion of the analysis of alternative measures contained in section 108 of the Clean Air Act and for the adoption of reasonably available measures must be included in the submittal.

9. Technical Analysis, Reasonable Further Progress. Although DMD has described the change in vehicle miles of travel, occupancy, trip length and emissions for potential strategies, similar information has not been submitted for strategies which have been adopted but are not yet implemented. This information must be provided.

10. Strategies for Demonstrating Attainment. DMD included the following table in the submittal identifying strategies which will be implemented or studies further. USEPA believes that the proposed strategies are appropriate but cannot determine the adequacy of the emission reductions until the State submits the VOC stationary source controls.

Status of Section 108 Transportation Measures in Indianapolis

Transportation Measures Implemented

Improved Public Transit
Traffic Flow
Park and Ride Fringe Parking

TCM's Committed and Programmed for Implementation

Areawide Car Pool Programs
Long Range Transit Improvements
Pedestrian Malls

TCM's Committed and Programmed for Further Studies

Employer Programs to Encourage Car and Van Pooling, Mass Transit, Bicycling, and Walking
Bicycle Lanes and Storage for Bicycles
Staggered Work Hours

TCM's Recommended for Further Studies

Motor Vehicle Emission Inspection and Maintenance Program
Parking Controls on Streets
Vapor Recovery
Exclusive Bus and Car Pool Lanes
Control on Extended Vehicle Idling
Road Pricing to Discourage Single Occupancy Automobile Trips
Alternative Fuels or Engines and Other Fleet Vehicle Controls

Vehicle Inspection and Maintenance

Section 172(b)(11) of the Act requires a specific schedule for the implementation of a vehicle emission control inspection and maintenance (I/M) program for those SIPs which demonstrate that attainment of the primary standards for carbon monoxide and/or ozone is not possible in an area prior to December 31, 1982, despite the implementation of all reasonably available emission control measures.

Pursuant to this requirement, Indiana has submitted a plan for the implementation of an I/M program in the Indiana portion of the Chicago Metropolitan area (Lake and Porter Counties) and in the Indiana portion of the Louisville, Kentucky metropolitan area (Clark and Floyd Counties). Despite the absence of controls for stationary sources of VOC in the submittal making it impossible to assess the adequacy of the Indiana attainment demonstration, Indiana determined that these four counties require an I/M program on the basis of interstate data. An I/M program may also be necessary in Marion County if the Indiana attainment demonstration ultimately indicates that the NAAQS will not be achieved by December 31, 1982 despite the implementation of all reasonably available control measures.

The proposed Indiana I/M program described in the submittal is a contractor-operated emissions inspection with idle mode emissions testing. The program would involve the annual emissions inspection of all light duty vehicles, light duty trucks, and motorcycles. A vehicle failing the inspection would either be repaired or its registration would not be renewed. The program is scheduled to be fully operational by January, 1982. The Indiana submittal projects that by December 31, 1987 the I/M program will achieve a 28% hydrocarbon reduction and a 39% carbon monoxide reduction in Lake and Porter Counties, and a 26% hydrocarbon and a 38% carbon monoxide reduction in Floyd and Clark Counties.

USEPA has reviewed the Indiana submittal on I/M for conformance with the requirements of the Clean Air Act and pertinent guidance. A discussion of that review follows:

1. Section 172(b)(10) of the Act requires inclusion in the SIP of written evidence that the State has adopted the necessary requirements by statute, regulations or other legally enforceable document and has committed itself to implement and enforce the elements of the plan. In his June 26, 1979 letter transmitting the Indiana submittal to USEPA, Governor Otis R. Bowen made a commitment to implement the I/M program under the authority of Chapter 171 of the Indiana Air Pollution Control Law. Section 4(b) of this law authorizes the Indiana Air Pollution Control Board (IAPCB) to promulgate rules and regulations for the control of emissions from motor vehicles if the IAPCB forwards copies of such proposed regulations to each member of the Indiana General Assembly prior to the promulgation of the regulations. These regulations may "prescribe requirements for the installation and use of equipment designed to reduce or eliminate emissions and for the proper maintenance of such equipment and vehicles." In addition, Section 4(b) of the law provides for the suspension or

cancellation of the vehicle registration if any "air pollution control system or mechanism which is solely to control air pollution of a motor vehicle" is not maintained in good working order or removed, dismantled, or otherwise caused to be inoperative.

As USEPA has previously indicated to the State of Indiana, it is not clear whether this statutory language, especially section 4b(b), is sufficient to enable Indiana to implement and enforce the kind of Inspection and Maintenance (I/M) program contemplated under the Clean Air Act. Specifically, USEPA questions whether the I/M program outlined in the submittal could be enforced under existing law against those vehicle owners whose vehicles fail the inspection test for reasons other than the failure of emission control devices which are used solely to control air pollution. For example, although motor vehicle emissions may increase significantly as a result of carburetor maladjustment, a carburetor is not solely an emission control device. A vehicle failing an inspection test because of a faulty carburetor adjustment would not be subjected to cancellaton or suspension of its registration. Consequently, a program that restricts enforcement may not be able to achieve substantial emission reductions.

Additionally, USEPA is aware that the Chairperson of the Indiana House Public Safety Committee has requested the opinion of the Indiana Attorney General on various questions related to the implementation of the I/M program outlined in the SIP submittal. Further, at a September 5, 1979, meeting, the Indiana Air Pollution Control Board authorized the Indiana Air Pollution Control Division to request an opinion from the Indiana Attorney General concerning the enforceability of an I/M program. No such opinion has been provided.

Because of these questions concerning Indiana's legal authority to fully implement and enforce the I/M program described in the SIP, USEPA cannot propose approval of Indiana's I/M program. In order for USEPA to approve Indiana's I/M progam, the State must possess legal authority adequate to fully implement and enforce its I/M program. In addition, an approvable I/M program must demonstrate, pursuant to a July 17, 1978, memorandum by Assistant Administrator David Hawkins, that the program will reduce light duty vehicle exhaust emissions in 1987 by 25 percent as compared to the level of these emissions without the I/M program. Further, pursuant to section 172(b)(11) of the Act, an I/M submittal must contain both a legally enforceable schedule for the implementation of the plan and a commitment to the schedule by the State. The dates in the schedule must include the milestones listed in the July 17, 1978, memorandum by Assistant Administrator Hawkins. Both the requirement for a 25 percent emission reduction and the requirement for an acceptable implementation schedule must be satisfied within the scope of the State's legal authority.

Carbon Monoxide (CO)

Portions of Lake and Marion Counties have been designated as nonattainment for the carbon monoxide National Ambient Air Quality Standard. The proposed Indiana State Implementation Plan for carbon monoxide bases its control strategy for both nonattainment areas on transportation control strategies and emission reductions which will be attained through the Federal Motor Vehicle Control Program (FMVCP). The Indiana SIP contains separate submissions from the metropolitan planning organizations responsible for control strategy development in each nonattainment area (Northwestern Indiana Regional Planning Commission [NIRPC] for Lake County, and City of Indianapolis Department of Metropolitan Development [IDMD] for Marion County).

USEPA has reviewed Indiana's SIP submission for carbon monoxide in each nonttainment area and noted the following deficiencies:

Lake County

Pursuant to section 172(b)(4) of the Clean Air Act as Amended 1977 (CAA), the SIP must include a comprehensive, accurate, current inventory of actual emissions from all sources of each pollutant. The submission for lake County does not include a comprehensive emission inventory which includes emissions from both stationary and mobil sources.

In addition, the Lake County CO SIP does not include a determination of the level of control needed to demonstrate attainment of the NAAQS by 1982 or 1987, as required under section 172(b)(8) of the Clean Air Act. The Lake County SIP also fails to identify the projected date for the attainment of the NAAQS. Thus, it is impossible to evaluate the necessity of an inspection/maintenance program for CO.

Further, the Lake County SIP does not make a demonstration of reasonable further progress (RFP) towards attainment of the NAAQS, as required under section 172(b)(3) of the Act. Although the control strategies to be used for control of CO emissions are the same as the strategies used for the control of hydrocarbon emissions and the attainment of the ozone NAAQS, a separate demonstration of attainment and RFP must be made for CO.

Marion County

The Marion County CO SIP does not make a demonstration of RFP towards attainment of the CO NAAQS as required under section 172(b)(3) of the Act. In addition, a separate demonstration of attainment of the NAAQS for CO is not made.

The SIP contains a 1977 emission inventory, which includes emissions from both stationary and mobile sources. Although future mobil source emissions are considered, future growth in stationary source emissions are not included in the submittal. An adequate demonstration of RFP must include such growth.

USEPA will propose rulemaking on the adequacy of the CO SIP upon State submittal of the omitted stationary and mobile source elements described in this Notice of Proposed Rulemaking. It should be noted that plan approval is a prerequisite for construction of major sources of the nonattainment pollutant in designated nonattainment areas.

On March 11, 1980, the State submitted Marion County's Ozone and Carbon Monoxide Strategy as a revision to the SIP. This plan is currently under review. Upon completion of this review USEPA will propose rulemaking on this submission.

II. General Requirements of Clean Air Act as Amended

The Indiana SIP revision submitted on June 26, 1979 addresses several requirments of the 1977 Amendments to the Clean Air Act that are not Part D requirments. Although incorporation of these provisions is required by law, failure to achieve final USEPA approval by July 1, 1979 does not trigger the economic growth limitations associated with Part D.

Part C—Prevention of Significant Deterioration

Regulation APC 19 of the Indiana submittal contains a plan for the prevention of significant deterioration of air quality. Section 110(a)(2)(D) and Part C of the Clean Air Act establish limitations on the deterioration of air quality in those parts of the Nation where the air quality is better than required to attain the National Ambient Air Quality Standards. The amount of deterioration permitted is quantified by

a table of air quality increments which appear in section 163 of the Act. In effect, increments represent the amount of pollution that can be tolerated by an area without significantly deteriorating the clean air status of the area.

A principal means of protecting the increments is the review and regulation of new growth. USEPA is presently operating a federal permit system designed to protect the increments and will continue to do so until the state adopts an equivalent program. Regulations under which the Agency is operating are found at 40 CFR 52.21 as published June 1, 1978 (43 FR 26388). Regulations specifying requirements for an approvable State plan are found at 40 CFR 51.24 as published June 19, 1978 (43 FR 23680).

These regulations were judicially challenged in the U.S. Court of Appeals for the District of Columbia Circuit. On June 18, 1979, the court issued a preliminary opinion on the regulations in *Alabama Power Company* v. *Costle*, No. 78–1006. The court held invalid certain key provisins of the regulations. On September 5, 1979, USEPA proposed in the **Federal Register** (44 FR 51924;) various amendments to the PSD regulations. Some of these proposed amendments would replace the provisions rejected by the court; others would add entirely new provisions to supplement the replacement provisions. In December 1979 the court issued a final opinion. In it the court generally reaffirmed its earler holdings. Subsequently, the USEPA stayed its PSD regulations as to certain sources and modifications (see 45 FR 7800, February 5, 1980).

Obviously, the court's opinion and any regulations promulgated as a result of it may affect various aspects of the Indiana plan for preventing significant deterioration. Nonetheless, USEPA believes that it is appropriate to proceed with its review of the plan based upon its existing regulations as stayed rather than awaiting the final promulgation of amended regulations. When the amended regulations are finally promulgated, the USEPA will advise Indiana of any changes required in its plan.

USEPA has reviewed the portions of Regulation APC 19 containing the Indiana prevention of significant deterioration plan and the applicable definitions in Regulation APC 1 and has determined that the Indiana plan for the prevention of significant deterioration satisfies the requirements of 40 CFR 51.24 with the exception of the permit by default provision cited in the discussion of Regulation APC 19. Therefore, USEPA is proposing to approve the Indiana PSD plan upon receipt of evidence that the permit by default provision has been deleted from Regulation APC 19 as it applies to sources covered under the PSD program.

Section 121—Consultation

Section 121 of the Act requires that the State provide a "satisfactory progress" for consulting with local governments and Federal land managers to meet certain requirements in the development of the SIP. A satisfactory progress of consultation must be included for transportation controls, air quality maintenance, preconstruction review of direct sources of air pollution, nonattainment requirements, prevention of significant deterioration, and certain compliance orders. This process must be ongoing and in accordance with regulations promulgated by USEPA at 44 FR 35176.

The proposed Indiana SIP contains a copy of a local agency agreement which provides for a process of consultation. USEPA proposes to approve this process of consultation upon the condition that Indiana forwards to USEPA copies of the executed agreements and that the agreements meet the requirements of CFR 51.246 (44 FR 35181) which states that the SIP " shall provide for an opportunity for Federal, State and local envolvement in such consultation process no later that December 18, 1979."

Section 110(a)(2)(K)—Permit Fees

This section requires the owner or operator of each major stationary source to pay the permitting authority, as a condition of any permit required by the Clean Air Act, a fee to cover the reasonable costs of processing an application for permit and of implementing and enforcing the terms and conditions of the permit. Revised Indiana Regulation APC 19, section 14, details a comprehensive permitting fee system. USEPA proposes to approve this system as meeting the requirements of Section 110(a)(2)(K).

Section 126—Interstate Pollution

Section 126(a)(1) of the Act requires that the SIP provide for written notice to nearby states of any proposed major stationary source which may significantly contribute to levels of air pollution in excess of the National Ambient Air Quality Standards in that state. The Indiana SIP does not disclose procedures for the required written notice to other nearby states. During the thirty day comment period Indiana must submit a schedule to develop these procedures and to submit them to USEPA in a legally enforceable form, or USEPA will disapprove this portion of the SIP.

Section 126 (a)(2) requires the State to identify existing major sources which may significantly contribute to levels of air pollution in neighboring states. On November 28, 1977 the Director of the Air Pollution Control Division of the Indiana State Board of Health sent letters with this information to each bordering state. USEPA proposes to approve this action as satisfying the requirement of Section 126(a)(2).

Section 127—Public Notification

Section 127 of the Act requires the SIP to contain measures for effective notification of the public on a regular basis of instances or areas in which any national primary ambient air quality standard is exceeded, to advise the public of hazards associated with such pollution and to enhance public awareness of measures which can be taken to prevent such standards from being exceeded.

The Indiana Air Pollution Control Board has incorporated in its local agency agreements the requirement that the agency "keep the public informed as to progress and status of local efforts to abate pollution through news releases, public appearances, talks and related activities." In addition, the Agency is to make all emission data and air quality data available to the public upon request.

Indiana Regulation APC–12 contains the criteria for the determining of air pollution episode levels and the procedure for reducing the episode level. Although the Technical Secretary has authority to declare an air pollution alert or warning and the Governor has the authority to declare an air pollution emergency, the Indiana SIP does not contain a procedure for notifying the public.

USEPA proposes to approve APC–12 and the procedure for enhancing the public awareness in the Agency agreements if Indiana submits, within the comment period, a procedure for notifying the public of air pollution alerts, warnings, and emergencies.

Section 128—State Boards

Section 128 of the Act requires that any boards which approve permits or enforcement orders under the Act contain a majority of members who represent the public interest and do not derive any significant portion of their income from persons subject to permits or enforcement orders under the Act and that members of any such board adequately disclose any potential conflicts of interest. The Governor of Indiana submitted a questionnaire to the

members of the Air Pollution Control Board to determine which members could be certified as representing the public interest and as not deriving a significant portion of their income from persons subject to permits or orders. The Governor and the Mayors who appoint local agency board members have committed themselves to having all prospective board members complete the questionnaire and to make appointments so that the boards will continue to represent the public interest as required by section 128 of the Act.

USEPA has not received the completed questionnaires from all present board members. USEPA proposes to approve this procedure as satisfying section 128 of the Act but requests that all disclosures of the present board members be submitted within the announced comment period.

Section 110(a)(2)(F) (ii) and (iii)—Continuous Emission Monitoring

The Indiana submittal contains a revision to existing regulation APC 8 which provides requirements for the continuous monitoring and recording of emissions for fossil fuel-fired steam generators, nitric acid plants, sulfuric acid plants, and petroleum refinery catalyst regenerators of specified sizes. This revision corrects the three deficiencies cited by USEPA in its June 22, 1978 rulemaking (43 FR 26722) partially disapproving existing Regulation APC 8 and promulgating substitute regulations (40 CFR 52.796). Consequently, USEPA proposes to approve the revision to existing Regulation APC 8 as satisfying the statutory directive of sections 110(a)(2)(F) (ii) and (iii) and the regulatory requirements of 40 CFR 51.19(e) and to revoke the federally promulgated substitute regulations.

There are, however, two typographical errors which are confusing and must be corrected. Section 2.1 of the revision to Regulation APC 8 specifies that a continuous monitoring system for the measurement of sulfur dioxide must meet the performance specifications of *paragraph 3.1.1* of this regulation. The proper citation is *paragraph 3.1.3* Another error is contained in section 2.1.3 of the proposed revision. This section specifies the conditions under which continuous monitors for the measurement of nitrogen oxides are required and provides an exemption under specified conditions. A phrase was omitted from the exemption provision specifying that the conditions can be satisfied during source compliance tests as required by the State. These two typographical errors must be corrected before USEPA final rulemaking in this revision to Regulation APC 8.

Interested persons are invited to comment on the revised Indian a SIP and on USEPA's proposed actions. Comments should be submitted to the address listed in the front of this Notice. Public comments received within thirty days of publication will be considered in USEPA's final rulemaking on the SIP. All comments received will be available for inspection at Region V Office Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604.

Under Executive Order 12044 (43 FR 12661), USEPA is required to judge whether a regulation is "significant" and, therefore, subject to certain procedural requirements of the Order or whether it may follow other specialized development procedures, USEPA labels proposed regulations, "specialized." I have reviewed this proposed regulation pursuant to the guidance in USEPA's response to Executive Order 12044, "Improving Environmental Regulations," signed March 12, 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.

Dated: October 25, 1979.

John McGuire,

Regional Administrator.

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This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

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The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Rules Going Into Effect Today

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Food and Drug Administration—

12682 2–26–80 / Obstetrical and gynecological devices; classification (70 documents)

LABOR DEPARTMENT

Occupational Safety and Health Administration—

12416 2–26–80 / Occupational exposure to cotton dust; standards for general industry

[Originally published at 43 FR 27350, 6–23–78]

POSTAL SERVICE

12418 2–26–80 / Penalties or fines, deductions, and damages related to transportation of mail; revision of regulations

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing March 26, 1980

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WHEN: April 18; May 2, 16, and 30; 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.

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