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federal register

Monday
April 14, 1980

Highlights

25037 **Days of Remembrance of Victims of the Holocaust** Presidential proclamation

25143-25147 **Projects for Child Abuse and Neglect Programs** HEW/HDSO announces that applications are being accepted for fiscal year 1980; apply by 6-18 and 7-3-80 (3 documents)

25136 **Firefighter Protective Clothing** FEMA authorizes grants in the amount not to exceed $15K total to be dispersed among ten fire departments throughout the Nation, letters of interest by 4-30-80

25114 **Petroleum Import Adjustment Program** DOE/ERA announces public conferences on 4-18 and 4-22-80

25102 **Business and Industrial Loans** USDA/FmHA announces insured loan interest rates; effective 4-14-80

25060 **Deserter Apprehension Program** DOD/AF prescribes policies and procedures for management of desertion and unauthorized absence; effective 2-1-80

25366 **Recombinant DNA Molecules** HEW/NIH gives notice of actions under guidelines for research; effective 4-14-80 (Part IV of this issue)

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Highlights

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25302 Water Resources Planning WRC issues proposal regarding principles, standards, and procedures; comments by 6–13–80 (Part II of this issue)

25350 Aircraft Emission Standards DOT/FAA proposes amendment to ensure compliance with EPA smoke emissions standards for in-use JT3D engines; comments by 6–28–80 (Part III of this issue)

25355 Aircraft Operating Noise Limits DOT/FAA proposes compliance requirements for certain turbojet airplanes engaged in domestic or foreign air commerce in the United States; comments by 6–28–80 (Part III of this issue)

25068–25073 Forage Seeding and Production Crop Insurance USDA/FCIC proposes procedures for insuring forage effective with the 1981 crop year; comments by 6–13–80 (2 documents)

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Federal Register
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Presidential Documents

Title 3—

The President

Proclamation 4747 of April 10, 1980

Days of Remembrance of Victims of the Holocaust

By the President of the United States of America

A Proclamation

Thirty-five years ago, in the closing days of World War II, U.S. Armed Forces liberated the Dachau concentration camp in southern Germany. Words can hardly convey the shock and horror the world felt on seeing the victims—both the living and the dead—of the Nazi program of deliberate genocide.

Dachau and the other death camps, Buchenwald, Auschwitz, Treblinka and the others, were the machinery used by the Nazi regime to perpetrate the Holocaust—the systematic, state-sponsored extermination of six million Jews and the murders of millions of other people. The Holocaust was a crime virtually without equal in history. It has left deep moral scars on all humankind. No one who participated in the liberation of those camps or who knows their history can ever forget them—least of all the 250,000 survivors who found a home and built a new life in this country after the war.

During my trip to Israel, I visited Yad Vashem, the Israeli memorial to the victims of the Holocaust. I vowed then, and I repeat now, that the world must never permit such evil to occur again.

We must study the record of the Holocaust and learn its lessons. We must never forget the terrible fruits of bigotry and hatred, and continually rededicate ourselves to the principles of equality and justice for all peoples.

In recognition of the magnitude of those crimes against humanity, the Congress of the United States, by joint resolution (S.J. Res. 97), has authorized and requested the President to issue a proclamation designating a week of remembrance.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate April 13 through April 19, 1980 as "Days of Remembrance of Victims of the Holocaust." I ask the American people to observe this solemn anniversary of the liberation of Dachau with appropriate study, prayers and ceremonies, as a tribute to our determination to eliminate the hatred that produced such horror from the face of the earth.

On the recommendation of the President's Commission on the Holocaust, I also ask the people of the United States to observe International Holocaust Commemoration Day on April 13, 1980.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of April, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

Jimmy Carter

[FR Doc. 80-11368
Filed 4-10-80; 3:40 pm]
Billing code 3195-01-M

Rules and Regulations

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

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 2

Revision of Delegations of Authority

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: This document revises the delegations of authority to reflect the establishment of the positions of Deputy Under Secretary for International Affairs and Deputy Under Secretary for Commodity Programs.

EFFECTIVE DATE: April 14, 1980.

FOR FURTHER INFORMATION CONTACT: Robert Siegler, Office of the General Counsel, Washington, D.C. 20250, (202–447–6035).

SUPPLEMENTARY INFORMATION: The delegations of authority are being amended to reflect the establishment of the positions of Deputy Under Secretary for International Affairs and Deputy Under Secretary for Commodity Programs which replace the former position of Deputy Under Secretary for International Affairs and Commodity Programs. Any action taken by the Deputy Under Secretary for International Affairs or the Deputy Under Secretary for Commodity Programs prior to the effective date of this rule which would otherwise be authorized under this rule, are hereby ratified.

Accordingly, 7 CFR Part 2 is amended as follows:

Subpart H—Delegations of Authority by the Under Secretary for International Affairs and Commodity Programs

Section 2.63 is amended to read as follows:

§ 2.63 Deputy Under Secretaries for International Affairs and for Commodity Programs.

(a) *Delegations.* Pursuant to § 2.21, subject to reservations in § 2.22 and subject to policy guidance and direction by the Under Secretary, the following delegations of authority are made to the Deputy Under Secretary for International Affairs and the Deputy Under Secretary for Commodity Programs, to be exercised only during the absence or unavailability of the Under Secretary:

(1) Perform all the duties and exercise all the powers which are now or which may hereafter be delegated to the Under Secretary for International Affairs and Commodity Programs: *Provided That,* this authority shall be exercised by the respective Deputy Under Secretary in the order in which he or she has taken office as a Deputy Under Secretary.

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

Dated: April 1, 1980.

Dale E. Hathaway,

Under Secretary for International Affairs and Commodity Programs.

[FR Doc. 80–11151 Filed 4–11–80; 8:45 am]

BILLING CODE 3410–01–M

Agricultural Marketing Service

7 CFR Part 985

[Docket No. F&V AO–79–1]

Spearmint Oil Produced in the Far West; Order Regulating Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule enacts the marketing order regulating the handling of spearmint oil produced in the Far West which includes the States of Washington, Idaho, Oregon and portions of California, Nevada, Montana, and Utah.

The order provides for the establishment of a Committee of producers and one public member for local administration. Producer allotment bases and annual allotments will be established to regulate the quantity of spearmint oil handlers may purchase from or handle on behalf of spearmint oil producers. This should result in greater market stability for spearmint oil producers.

EFFECTIVE DATE: The order will become effective April 14, 1980.

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250 (202) 447–5053.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of Hearing—Issued September 19, 1979; published September 25, 1979 (44 FR 55184).

Notice of Recommended Decision—Issued January 4, 1980; published January 9, 1980, (45 FR 1888).

Final Decision—Issued February 22, 1980, (45 FR 13096).

Spearmint oil producers voted in a referendum conducted by mail ballot March 5, 1980 to March 14, 1980 to accept the order.

IMPACT STATEMENT: 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 J. S. Miller, Acting Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, (202) 447–5053.

Findings and Determinations

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

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

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

(2) The order regulates the handling of spearmint oil produced in the production area in the same manner as, and is applicable only, to persons in the respective classes of commercial and industrial activity specified in, 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 spearmint oil produced in the production area which make necessary different terms and provisions applicable to different parts of such area; and

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

(b) *Additional Findings.* It is necessary in the public interest to make this order effective not later than its publication in the **Federal Register.** Any delay beyond that date would tend to disrupt the orderly marketing of spearmint oil during the 1980 season, which begins June 1, 1980. It is essential that the Spearmint Oil Administrative Committee, the administrative body provided for in the order, be selected and organized, and begin functioning as soon as possible so that the determination of a marketing policy for the 1980–81 marketing year would not be delayed beyond June 1, 1980, the beginning of that year.

Under the order, the Committee will have to issue allotment bases to producers of spearmint oil so that, in the event volume regulations are deemed necessary, a salable quantity and producers' annual allotments can be determined. In order to be able to plan their operations for the 1980–81 marketing year, producers must know as soon as possible the size of their base and the allotment that may be issued to them. Any delay in the effective date of the program would impede issuance of those bases and establishment of a marketing policy for the 1980–81 marketing year, thereby causing hardship. Moreover, the provisions of the order are well known to handlers of spearmint oil produced in the production area because: (1) A public hearing was held at Pasco, Washington, on October 16, 17 and 18, 1979, and evidence was received from producers, handlers and other interested persons; (2) the recommended decision and the final decision were published in the **Federal Register** on January 9, 1980 (45 FR 1888) and February 28, 1980 (45 FR 13096), respectively; (3) Copies of the order and its regulatory provisions were made available to all known persons who may be subject thereto, prior to the referendum which was held March 5 through March 14, 1980, to determine whether producers of spearmint oil in the production area favor or approve issuance of this order; and (4) all known handlers of spearmint oil were mailed a copy of the marketing agreement, the regulatory provisions of which are identical to the order.

In view of the foregoing, it is hereby found and determined that good cause exists for making this order effective upon publication in the **Federal Register,** and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the **Federal Register.** (Sec. 553(d), Administrative Procedure Act; 5 U.S.C. 551–559).

(c) Determinations. It is hereby determined that handlers (excluding cooperative associations specified in section 8c(9) of the act) of more than 50 percent of the volume of spearmint oil covered by this order, refused or failed to sign the aforesaid proposed marketing agreement; 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 producers, as defined in the order, of spearmint oil produced in the production area; and

(3) The issuance of this order is favored or approved by producers who participated in a referendum on the question of its approval and who, during the period June 1, 1979, to January 31, 1980, were engaged within the Far West in the production of spearmint oil for market and such producers 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 and after the effective date hereof, the handling of spearmint oil produced in the Far West shall be in conformity to and in compliance with the following terms and conditions:

A new Part 985 is added to Title 7 of the Code of Federal Regulations to read as follows:

PART 985—MARKETING ORDER REGULATING THE HANDLING OF SPEARMINT OIL PRODUCED IN THE FAR WEST

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

Definitions

§ 985.1 Secretary

"Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the U.S. Department of Agriculture who is, or who may be, authorized to perform the duties of the Secretary of Agriculture of the United States.

§ 985.2 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, Stat. 31, as amended; 7 U.S.C. 601–674).

§ 985.3 Person.

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

§ 985.4 Spearmint oil.

"Spearmint oil", hereinafter referred to as "oil", means the essential oil extracted by distillation from plants, grown in the production area, of the genus Mentha, species Cardiaca (commonly referred to as Scotch Spearmint), Spicata (commonly referred to as Native Spearmint), or such other species, grown in the production area, that produce a spearmint flavored oil. Oil shall be segregated into the following classes:

"Class 1"—Oil extracted from the first cutting of Scotch Spearmint.

"Class 2"—Oil extracted from the second cutting of Scotch Spearmint.

"Class 3"—Oil extracted from Native Spearmint.

"Class 4"—Oil which has a spearmint flavor, extracted from plants other than Scotch or Native Spearmint.

The Committee, with the approval of the Secretary may change these classes to recognize new, or delete obsolete, classes.

§ 985.5 Production area.

"Production area" means all the area within the States of Washington, Idaho, Oregon, and that portion of California and Nevada north of the 37th parallel and that portion of Montana and Utah west of the 111th meridian. The area shall be divided into the following districts:

(a) District 1. The State of Washington.

(b) District 2. The State of Idaho and that portion of the States of Montana, Nevada, and Utah included in the production area.

(c) District 3. The State of Oregon and that portion of the State of California included in the production area.

§ 985.6 Producer.

"Producer" is synonymous with "grower" and means any person engaged in a proprietary capacity in the commercial production of oil or who causes it to be produced.

§ 985.7 Handler.

"Handler" means any person who handles oil.

§ 985.8 Handle.

"Handle" means to prepare oil for market, acquire oil from a producer, use oil commercially of own production, or sell, transport, or ship (except as a common or contract carrier of oil owned by another), or otherwise place oil into the current of commerce within the production area or from the area to points outside thereof: *Provided,* That (a) the preparation for market of salable oil by producers who are not dealers or users, (b) the sale or transportation of salable oil by a producer to a handler of record within the production area, or (c) the transfer of excess oil by the producer to another producer to enable that producer to fill a deficiency in an annual allotment, or (d) the delivery of excess oil by the producer to the Committee or its designees, shall not be construed as handling.

§ 985.9 Marketing year.

"Marketing year" means the 12 months from June 1 to the following May 31, inclusive, or such other period as the Committee, with the approval of the Secretary, may establish.

§ 985.10 Crop.

"Crop" means that oil produced by a producer during the marketing year.

§ 985.11 Salable oil.

"Salable oil" means that oil which is free to be handled.

§ 985.12 Salable quantity.

"Salable quantity" means the total quantity of each class of oil which handlers may purchase from, or handle on behalf of, producers during a marketing year.

§ 985.13 Annual allotment.

"Annual allotment" means that portion of the salable quantity prorated to a producer.

§ 985.14 Part and subpart.

"Part" means the order regulating the handling of oil grown in the production area, and all rules and regulations issued thereunder. The order shall be a "subpart" of such part.

Administrative Committee

§ 985.20 Establishment and membership.

A Spearmint Oil Administrative Committee is hereby established (hereinafter referred to as "Committee") and shall consist of eight members, each of whom shall have an alternate, to administer the terms and provisions of this part. Four of the members and alternates shall be producers in District 1; two members and alternates shall be producers in District 2; and one member and alternate shall be a producer in District 3. One member and alternate shall represent the public.

§ 985.21 Eligibility.

Each member and alternate member of the Committee shall be, at the time of selection and during the term of office, a producer, or an officer or employee of a producer, in the district for which selected: *Provided,* That these requirements should not apply to the public member and alternate member.

§ 985.22 Term of office.

The term of office of each member and alternate member of the Committee shall be for two calendar years: *Provided,* That one-half of the initial members and alternates shall serve for terms ending December 31, 1980, and one-half of the initial members and alternates shall serve for terms ending December 31, 1981. Members and alternates shall serve in such capacity for the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified. No member shall serve more than two consecutive terms as member and no alternate shall serve more than two consecutive terms as alternate.

§ 985.23 Nominations.

(a) *Procedure.* (1) Nominations for producer members of the Committee and their alternates shall be made at nomination meetings of producers in each District. Such meetings shall be held at such times (on or before November 1 of each year) and places as the Committee shall designate. One nominee shall be elected for each position to be filled. The names and addresses of each nominee shall be submitted to the Secretary not later than December 1 of each year.

(2) Only producers, including duly authorized officers or employees of producers present and eligible to serve as producer members of the Committee, shall participate in the nomination. If a producer produces oil in more than one district, the producer shall select the district in which that producer will participate and notify the Committee of the choice.

(3) Should the Committee find it impractical to hold nomination meetings, nominations may be submitted to the Secretary based on the results of balloting by mail. Ballots to be used may contain the names of candidates and a blank space for write-in candidates for each position, together with voting instructions. The eligible person receiving the highest number of

votes for a member or alternate position shall be the nominee for that position.

(4) The producer members of the Committee shall nominate the public member and alternate member at the first meeting following the selection of members for a new term of office.

(b) *Initial members.* As soon as practicable following the effective date of this subpart, the Secretary shall hold, or cause to be held, nomination meetings of producers in each district to nominate the initial members of the Committee.

(c) The Committee with the approval of the Secretary shall issue rules and regulations necessary to carry out the provisions of this section or to change the procedures in this section in the event they are no longer practical.

§ 985.24 Selection.

Committee members shall be selected by the Secretary from nominees submitted by the Committee or from among other eligible persons. Each person so selected shall qualify by filing a written acceptance with the Secretary prior to assuming the duties of the position.

§ 985.25 Alternate members.

An alternate for a member shall act in the place of such member (a) in the member's absence, (b) in the event of the member's death, removal, resignation, or disqualification, until a successor for the member's unexpired term has been selected and has qualified, or (c) when requested and designated by the member.

§ 985.26 Vacancies.

To fill any vacancy occasioned by the failure of any person appointed as a member or as an alternate member of the Committee to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the Committee, a successor to fill the unexpired term shall be nominated and appointed in the manner specified in §§ 985.23 and 985.24. If the names of the nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which appointment shall be made on the basis of representation provided for in § 985.20.

§ 985.27 Powers.

The Committee shall have the following powers:

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

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

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

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

§ 985.28 Duties.

The Committee shall have, among others, the following duties:

(a) To select from among its membership such officers and adopt such rules or by-laws for the conduct of its meetings as it deems necessary;

(b) To appoint such employees as it may deem necessary, and to determine the compensation and to define the duties of each employee;

(c) To appoint such subcommittees and consultants as it may deem necessary;

(d) To keep minutes, books, and records which will reflect all of the acts and transactions of the Committee and which shall be subject to examination by the Secretary;

(e) To prepare periodic statements of the financial operations of the Committee and to make copies of each such statement available to producers and handlers for examination at the office of the Committee;

(f) To cause the books of the Committee to be audited by a certified public accountant at such times as the Committee may deem necessary, or as the Secretary may request, to submit copies of each audit report to the Secretary, and to make available a copy which does not contain confidential data for inspection at the offices of the committee by producers and handlers;

(g) To act as intermediary between the Secretary and any producer or handler;

(h) To investigate and assemble data on the growing, handling, and marketing conditions with respect to oil;

(i) To submit to the Secretary such available information as may be requested or that the Committee may deem desirable and pertinent;

(j) To notify producers and handlers of all meetings of the Committee to consider recommendations for regulations and of all regulatory actions taken affecting producers and handlers;

(k) To give the Secretary the same notice of meetings of the Committee and its subcommittees as is given to its members;

(l) To investigate compliance and use means available to prevent violations of the provisions of this part;

(m) With the approval of the Secretary, to redefine the districts into which the production area is divided and to reapportion the representation of any district on the Committee: *Provided,* That such changes shall reflect insofar as practical, shifts in oil production within the production area and numbers of producers; and

(n) To establish with the approval of the Secretary such rules and regulations as are necessary or incidental to administration of this subpart, as are consistent with its provisions, and as would tend to accomplish the purposes of this subpart and the act.

§ 985.29 Procedure.

(a) At an assembled meeting, all votes shall be cast in person and seven members of the Committee shall constitute a quorum. Decisions of the Committee shall require the concurring vote of at least six members. If both a Committee member and appropriate alternate are unable to attend a Committee meeting, the Committee may designate any other alternate from the same district who is present at the meeting to serve in the member's place.

(b) The Committee may vote by mail, telephone, telegraph, or other means of communication: *Provided,* That each proposition is explained accurately, fully, and identically to each member. All votes shall be confirmed promptly in writing. Seven concurring votes and no dissenting votes shall be required for approval of a Committee action by such method.

§ 985.30 Expenses and compensation.

Members of the Committee, their alternates, subcommittees including any special subcommittees, shall serve without compensation but shall receive such allowances for necessary expenses, incurred in performing their duties, as may be approved by the Committee.

Research

§ 985.31 Research and development projects.

The Committee, with the approval of the Secretary, may establish or provide for the establishment of production research, marketing research and development projects designed to assist, improve, or promote the marketing, distribution and consumption or efficient production of oil. The Committee shall consider ongoing research, by industry and grower organizations, in making its recommendations. The expense of such projects shall be paid from funds collected pursuant to § 985.41.

Expenses and Assessments

§ 985.40 Expenses.

The Committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it for such purposes as the Secretary may, pursuant to this subpart, determine to be appropriate, and for the maintenance and functioning of the Committee during each marketing year. The Committee shall submit to the Secretary a budget for each marketing year, including an explanation of the items appearing therein, and a recommendation as to the rate of assessment for such year.

§ 985.41 Assessments.

(a) *Requirements for payment.* Each person who first handles salable oil shall pay to the Committee, upon demand, that handler's pro rata share of the expenses authorized by the Secretary for each marketing year. Each handler's pro rata share shall be the rate of assessment fixed by the Secretary times the quantity of oil which the handler handles as the first handler thereof. The payment of assessments for the maintenance and functioning of the Committee and for such purposes as the Secretary may, pursuant to this subpart, determine to be appropriate, may be required under this part throughout the period it is in effect, irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) *Rate of assessment.* The Secretary shall fix the rate of assessment to be paid by each handler. At any time during or after the marketing year, the Secretary may increase the rate of assessment as necessary to cover authorized expenses. Such increase shall be applied to all oil handled during the applicable marketing year. In order to provide funds for the administration of this part before sufficient operating income is available from assessments, the Committee may accept advance assessments and may also borrow money for such purpose. Advance assessments received from a handler shall be credited toward assessments levied against the handler during the marketing year.

§ 985.42 Accounting.

(a) *Excess funds.* At the end of a marketing year, funds in excess of the year's expenses may be placed in an operating reserve not to exceed approximately one marketing year's operational expenses or such lower limits as the Committee, with the approval of the Secretary, may establish. Funds in such reserve shall be available for use by the Committee for expenses authorized pursuant to § 985.40. Funds in excess of those placed in the operating reserve shall be refunded to handlers: *Provided,* That any sum paid by a first handler in excess of that handler's pro rata share of the expenses during any marketing year may be applied by the Committee at the end of such marketing year to any outstanding obligations due the Committee from such person. Each handler's share of such excess funds shall be the amount of assessments paid in excess of that handler's pro rata share.

(b) *Disposition of funds upon termination of order.* Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided,* That to the extent practicable, such funds will be returned pro rata to the first handler from whom such funds were collected.

Volume Limitations

§ 985.50 Marketing policy.

(a) The Committee shall meet on or before January 15 of each year to adopt a Marketing Policy for the ensuing marketing year or years. As soon as is practical following the meeting or meetings, the Committee shall submit to the Secretary recommendations for volume regulations deemed necessary to meet market requirements and establish orderly marketing conditions. Additional reports shall be submitted to the Secretary if the Committee subsequently adopts a new or revised policy because of changes in the demand and supply situation with respect to the various classes of oil.

(b) In determining such marketing policy, Committee consideration shall include but not be limited to:

(1) The estimated quantity of salable oil of each class held by producers and handlers;

(2) The estimated demand for each class of oil;

(3) Prospective production of each class of oil;

(4) Total of allotment bases of each class of oil for the current marketing year and the estimated total of allotment bases of each class for the ensuing marketing year;

(5) The quantity of reserve oil, by class, in storage;

(6) Producer prices of oil, including prices for each class of oil;

(7) General market conditions for each class of oil, including whether the estimated season average price to producers is likely to exceed parity.

(c) Notice of the marketing policy recommendations for a marketing year and any later changes shall be announced publicly by the Committee, and be submitted promptly to the Secretary and all producers and handlers. The Committee shall publicly announce its marketing policy or revision thereof and notice and contents thereof shall be submitted to producers and handlers by bulletins or through appropriate media.

(d) As soon as practicable following the effective date of this subpart and the organization of the Committee, the Committee may adopt a marketing policy for the 1980–81 marketing year.

§ 985.51 Recommendations for volume regulation.

(a) If the Committee's marketing policy considerations indicate a need for limiting the quantity of oil of each class marketed, the Committee shall recommend to the Secretary a salable quantity and allotment percentage for the ensuing marketing year. Such recommendations shall be made prior to February 15, or such other date as the Committee, with the approval of the Secretary, may establish.

(b) At any time during the marketing year for which the Secretary, pursuant to § 985.52(a), has established a salable quantity and an allotment percentage for each class of oil, the Committee may recommend to the Secretary that such quantity be increased with an appropriate increase in the allotment percentage. Each such recommendation, together with the Committee's reason for such recommendation, shall be submitted promptly to the Secretary.

(c) As soon as practicable following the effective date of this subpart and the organization of the Committee, the Committee may recommend a salable quantity for the 1980–81 marketing year.

§ 985.52 Issuance of volume regulation.

(a) Whenever the Secretary finds, on the basis of the Committee's recommendation or other information, that limiting the total quantity of a class of oil of any crop that handlers may purchase from or handle on behalf of producers during a marketing year, would tend to effectuate the declared policy of the act, the Secretary shall establish the salable quantity for that oil.

The salable quantity shall be prorated among producers by applying an allotment percentage to each producer's allotment base for that class of oil. The allotment percentage shall be established for each class of oil by dividing the salable quantity by the total

of all producers' allotment bases for the same class of oil.

(b) When an allotment percentage for a class of oil is established for any marketing year, no handler shall purchase from or handle on behalf of producers any oil of that class during such year unless:

(1) It is, at the time of handling, within the unused portion of a producer's annual allotment, and

(2) Such handler notifies the Committee of the handling in such manner as it may prescribe.

§ 985.53 Allotment base.

(a) *Initial issuance.* Each producer desiring an allotment base for one or more classes of oil shall register with the Committee and furnish to it, on forms provided by the Committee, a report of the number of pounds of each class of oil sold during each of the marketing years of 1977, of 1978, and of 1979, which is the representative base period, and the number of pounds of each class of oil currently available for sale and the location of such oil, the name and address of each handler, the quantity of oil by class sold to each handler, the acreage and location of each year's production of spearmint, and any additional information requested by the Committee. A producer who has changed or changes identity from an individual producer to a partnership or corporate producer, or from a partnership to a corporate or individual producer, or from a corporate to a partnership or individual producer, may for the purpose of establishing the initial and subsequent allotment base, register with the Committee as one and the same person.

(b)(1) Initially, the allotment base for each class of oil shall be established by the Committee for each registered producer, at the option of such producer, as follows:

(i) The average annual number of pounds of oil of that class sold during any two marketing years of the representative base period; or

(ii) The average annual number of pounds of that class of oil sold during the representative period plus 33⅓ percent of oil of that class currently available for sale; or

(iii) The quantity of that class of oil sold during the 1979 marketing year, plus the quantity of that class of oil currently available for sale.

(2) If a producer has spearmint planted by February 27, 1979, but has no sales history during the representative period, the producer's allotment base shall be established by multiplying its acreage to be harvested for spearmint oil by the average amount of oil per acre sold in the allotment base of other producers in the state or area, whichever is more representative, in which the acreage is located: *Provided*, That, the Committee shall review and adjust these allotment bases in accordance with paragraph (c) of this section on the basis of the producer's sales of spearmint oil.

(c) Periodically, but at least once every five years, the Committee shall review and adjust each producer's allotment base to recognize changes and trends in production and demand. Any such adjustment shall be made in accordance with a formula prescribed by the Committee with the approval of the Secretary.

(d)(1) Beginning with the 1982–83 marketing year, the Committee annually shall make additional allotment bases available for each class of oil in the amount of no more than 1 percent of the total allotment base for that class of oil. Fifty percent of these additional allotment bases shall be made available for new producers and 50 percent made available for existing producers.

(2) Any person may apply for an additional allotment base for any class of oil by filing an application with the Committee on or before December 1 of the marketing year preceding the marketing year for which the additional allotment bases will be made available.

(3) The Committee shall, with the approval of the Secretary, establish rules and regulations to be used for determining the distribution of additional allotment bases. In establishing such rules, the Committee shall take into account, among other things, the minimum economic enterprise requirements for oil production, the applicant's ability to produce oil, the area where the oil will be produced and other economic and marketing factors.

(e) The right of each producer receiving an allotment base, or any legal successor in interest, to retain all or part of an allotment base, shall be dependent on continuance to make a bona fide effort to produce the annual allotment referable thereto and failing to do so, such allotment base shall be reduced by an amount equivalent to such unproduced portions.

§ 985.54 Issuance of annual allotments.

(a) Whenever the Secretary establishes a salable quantity and allotment percentage for a class of oil that may be freely marketed during a marketing year, the Committee shall issue an annual allotment to each producer holding an allotment base for that class of oil. Each producer's annual allotment for a class of oil shall be determined by multiplying the producer's allotment base for that class of oil by the applicable allotment percentage.

(b) On or before December 1, the Committee shall furnish each registered holder of an allotment base a form for the producer to apply for an annual allotment for the ensuing marketing year. The Committee, with the approval of the Secretary, shall establish rules and regulations prescribing the information to be submitted on this form. The Committee shall notify each producer of the producer's annual allotment for each class of oil within 10 days after the Secretary establishes the salable quantity and allotment percentage.

(c) Through 1981, a handler may acquire oil of a producer's own production to fulfill a written contract entered into by these two persons prior to February 27, 1979. The terms of this contract shall require the producer to deliver to that handler a specified quantity of a class of oil from that producer's production at a specific price from a specified acreage and produced prior to 1982. The quantity of oil acquired by the handler pursuant to that contract during the 1980–81 or 1981–82 marketing year may exceed the producer's annual allotment for the applicable marketing year, but shall be charged against the producer's annual allotment for that year.

§ 985.55 Identification.

(a) Each producer shall, under supervision of the Committee, identify each class of oil within 15 days following its production, or such other period of time as is recommended by the Committee with the approval of the Secretary. Identification of oil shall be accomplished before its delivery either to a handler for handling as salable oil, or to the Committee or its designees for storage as excess oil.

(b) Identification shall indicate whether the oil is salable or excess oil and include the name of the producer, the class of oil, the net weight, the container number and such other information as may be required by the Committee.

(c) Identification shall be accomplished in accordance with rules and regulations established by the Committee with the approval of the Secretary.

(d) No handler shall handle as salable oil, and the Committee shall not receive as excess oil, any oil that has not been identified as provided in this section, and no person shall alter or remove any identification except when incidental to final disposition.

§ 985.56 Excess oil.

Oil of any class in excess of a producer's applicable annual allotment shall be identified as excess oil and shall be disposed of as follows:

(a) Before October 15, or such date as the Committee, with the approval of the Secretary, may establish, a producer, following notification of the Committee, may transfer excess oil to another producer to enable that producer to fill a deficiency in that producer's annual allotment, or

(b) Before November 1, or such other date as the Committee, with the approval of the Secretary, may establish, excess oil, not used to fill another producer's deficiency, shall be delivered to the Committee or its designees for storage. Such oil shall be stored for the account of the producer. All costs of storage including identification and insurance shall be paid by the producer of excess oil. No handler shall handle excess oil and no producer shall deliver excess oil to other than the Committee or its designees.

(c) The Committee, with the approval of the Secretary, may establish such rules and regulations as it deems necessary for the transfer or storage of excess oil.

§ 985.57 Reserve pool requirements.

(a) On November 1, or such other date as the Committee, with the approval of the Secretary may establish, the Committee shall pool identified excess oil as reserve oil in such manner as to accurately account for its receipt, storage, and disposition. The Committee shall store reserve oil for the account of the producer and maintain the identity of the reserve oil by producer's name, the year produced, the class of oil, and such other identification as may be used in normal commercial trade practices. The Committee shall designate a Committee employee as reserve pool manager.

(b) *Disposition.* (1) When, in any marketing year, a producer has produced less than the annual allotment of a class of oil, the producer may, upon notification of the Committee, fill the deficiency with the same class of reserve oil from the producer's prior production.

(2) Prior to March 15 of any year, or such other date as recommended by the Committee and approved by the Secretary, a producer may notify the Committee of a possible deficiency in the producer's ensuing year's production of oil and wishes to use reserve oil from own production to fill the ensuing year's annual allotment. The Committee shall approve the producer's request if the oil is still available at the time of the request.

(3) Under supervision of the Committee, a producer may exchange salable oil for the same class and quantity of reserve oil from own production so long as the oil is properly identified.

(4) When the Committee finds that additional oil is needed to fill the normal market demand, it shall offer all or a portion of the reserve oil for sale to handlers. Offers to sell, extension of offers and withdrawal of offers shall be subject to disapproval by the Secretary. The Committee may establish rules and regulations governing the offers and sale to handlers.

(5) The Committee may use reserve oil for market development projects approved by the Secretary. Such projects may be conducted by the Committee or in conjunction with or through handlers.

(c) *Pool expenses and proceeds.* Expenses incurred by the Committee in handling and storing reserve oil shall be paid by the equity holders. The proceeds from the disposition of reserve oil shall be distributed, after deduction of any expenses incurred by the Committee in receiving, handling, storing, and disposing thereof, to the equity holders or their successors in interest, on the basis of the number of pounds, class of oil and quality credited to each equity holder's account in the pool. A full accounting to each equity holder, or successor in interest, in each reserve pool shall be made by the Committee annually.

§ 985.58 Exempt oil.

Oil held by a producer or handler on the effective date of this subpart shall not be regulated under this subpart if reported and identified to the Committee not later than 60 days after that date. Any such oil not reported and identified to the Committee shall be subject to all regulation under this subpart.

§ 985.59 Transfers.

(a) Nothing contained in this part shall prevent a producer from transferring the location where that producer's annual allotment is produced to another location except that the producer shall report the transfer to the Committee within 30 days after the transfer.

(b) A producer may transfer all or part of an allotment base to another producer under rules and regulations established by the Committee, with the approval of the Secretary: *Provided,* That the allotment base obtained by transfer from another producer or issued pursuant to § 985.53(d)(1) shall not be transferred for at least 2 years following transfer or issuance, and that the person receiving the allotment base submit to the Committee, evidence of an ability to produce and sell oil from such allotment base in the first marketing year following the transfer or issuance of the allotment base.

Reports and Records

§ 985.60 Reports.

(a) *Inventory.* Each handler shall file with the Committee a certified report showing such information as the Committee may specify with respect to any oil which was held by the handler at such times as the Committee may designate.

(b) *Receipts.* Each handler shall, upon request of the Committee, file with the Committee a certified report showing for each lot of oil received, the identifying marks, class of oil, weight, place of production, and the producer's name and address at such times as the Committee may designate.

(c) *Other reports.* Upon the request of the Committee, each handler shall furnish such other information as may be necessary to enable the Committee to exercise its powers and perform its duties under this part.

§ 985.61 Records.

Each handler shall maintain such records pertaining to all oil handled as will substantiate the required reports. All such records shall be maintained for not less than 2 years after the termination of the marketing year to which such records relate.

§ 985.62 Verification of reports and records.

For the purpose of assuring compliance with record keeping requirements and verifying reports filed by producers and handlers, the Secretary and the Committee, through its duly authorized employees, shall have access to any premises where applicable records are maintained, where oil is received or held, and at any time during reasonable business hours, shall be permitted to inspect such handlers' premises, and any and all records of such handlers with respect to matters within the purview of this part.

§ 985.63 Confidential information.

All reports and records furnished or submitted by handlers to, or obtained by the employees of the Committee, which contain data or information constituting a trade secret or disclosing the trade position, financial condition, or business operations of the particular handler from whom received, shall be treated as confidential and the reports and all information obtained from records shall,

at all times, be kept in the custody and under the control of one or more employees of the Committee who shall disclose such information to no person other than the Secretary.

Miscellaneous Provisions

§ 985.64 Compliance.

No person shall handle oil except in conformity with the provisions of this part.

§ 985.65 Rights of the Secretary.

Members of the Committee and subcommittees, and any agents, employees or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every decision, determination, and other act of the Committee shall be subject to the continuing right of disapproval by the Secretary at any time. Upon such disapproval, the disapproved action of the Committee shall be deemed null and void, except as to acts done in reliance thereon or in accordance therewith prior to such disapproval by the Secretary.

§ 985.66 Derogation.

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

§ 985.67 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States or name any agency or division in the U.S. Department of Agriculture, to act as the Secretary's agent or representative in connection with any of the provisions of this part.

§ 985.68 Personal liability.

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

§ 985.69 Duration of immunities.

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

§ 985.70 Separability.

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

§ 985.71 Effective time.

The provisions of this subpart, and of any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until terminated or suspended in one of the ways specified in § 985.72.

§ 985.72 Termination.

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

(b) *Referendum.* The Secretary shall terminate the provisions of this subpart at the end of any marketing year upon a finding that such termination is favored by a majority of the producers who, during the preceding marketing year, produced for market more than 50 percent of the volume of oil so produced: *Provided,* That termination shall be effective only if announced before May 31 of the then current marketing year.

(c) *Termination of act.* The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 985.73 Proceedings after termination.

Upon termination of the provisions of this part, the Committee shall, for the purpose of liquidating the affairs of the Committee, continue as trustees of all the funds and property then in its possession or under its control, including claims for any funds unpaid or property not delivered at the time of such termination. The said trustees shall (a) continue in such capacity until discharged by the Secretary; (b) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Committee and of the trustees, to such persons as the Secretary may direct; and (c) upon the request of the Secretary execute such assignments or other instruments necesary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the Committee or the trustees pursuant thereto. Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligation imposed upon the Committee and upon trustees.

§ 985.74 Effect of termination or amendment.

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

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

Effective date: April 14, 1980.

Signed at Washington D.C. on April 8, 1980.

P. R. "Bobby" Smith,

Assistant Secretary for Marketing and Transportation Services.

[FR Doc. 80-11108 Filed 4-11-80; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 21, 23, 36, 91, 121, 135, and 139

[Docket No. 18315; Amdt. Nos. 91-159A and 135-2A; SFAR No. 41A]

Increase in Approved Takeoff Weights and Passenger Seating Capacities; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action makes editorial corrections to Special Federal Aviation Regulation (SFAR) 41 adopted on September 7, 1979. The SFAR prescribes additional airworthiness requirements applicable to certain existing multiengine small airplanes to allow an increase in approved takeoff weights and passenger seating capacities.

EFFECTIVE DATE: April 14, 1980.

FOR FURTHER INFORMATION CONTACT: Eli S. Newberger, Safety Regulations Staff, AVS-24, Federal Aviation Administration, 800 Independence Ave. SW., Washington, D.C. 20591, Telephone (202) 755-8716.

SUPPLEMENTARY INFORMATION: This amendment of SFAR 41 (44 FR 53723,

September 17, 1979) is editorial in nature to provide an omitted date, change an incorrectly stated date, and delete a regulatory reference listed in error.

As indicated in the preamble, SFAR 41 is applicable to existing propeller-driven multiengine small airplanes. The existing airplanes eligible for amended or supplemental type certificates are those type certificated prior to the effective date of the SFAR; i.e., October 17, 1979. This amendment provides the omitted date in paragraphs 1.(a) and 1.(b).

Paragraph 5.(b)(3) of the SFAR inadvertently cites the certification cutoff date of the given class of airplanes as July 1, 1970. Since this paragraph parallels § 135.169(b)(3), for consistency, the date is corrected to July 19, 1970.

Of the three sections of Appendix A, Part 135, referenced in paragraph 5.(c) of the SFAR, section 19.(b)(3) does not relate to landing requirements and was inadvertently included. Paragraph 5.(c) and the corresponding preamble discussion are amended by deleting the erroneous reference.

This amendment corrects the editorial errors as noted and good cause exists for making the amendment effective April 14, 1980.

Adoption of Amendment

Accordingly, the preamble of SFAR 41 and the text of SFAR 41 of the Federal Aviation Regulations (14 CFR SFAR 41) are amended, effective April 14, 1980, as follows:

1. By amending the preamble of SFAR 41, Discussion of Comments, 5. Exception, under the discussion of section 5.(c) by deleting the phrase "§ 19.(b)(3) and".

2. By amending Special Federal Aviation Regulation 41 as follows:

a. By amending § 1.(a) by inserting the words "prior to October 17, 1979," following the words "originally type certificated" and before the words "in accordance with".

b. By amending the lead-in of § 1.(b) by inserting the words "originally type certificated prior to October 17, 1979," between the words "airplane" and "that".

c. By amending § 5.(b)(3) by deleting the date July 1, 1970, and inserting the date July 19, 1970, in place thereof.

d. By amending § 5.(c) by deleting the reference "19.(b)(3)".

(Secs. 313(a), 601, 603, 604, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423, 1424); 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).

Issued in Washington, D.C., on April 7, 1980.

Langhorne Bond,

Administrator.

[FR Doc. 80-11084 Filed 4-11-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 79-WE-30-AD; Amdt. 39-3741]

Airworthiness Directives; McDonnell Douglas DC-9 Series Airplanes

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD) to require a one-time inspection of previously repaired cracks in the auxiliary emergency exit door jamb. This amendment is required to correct repairs that do not restore the original structural integrity to the aircraft. This amendment applies to McDonnell Douglas DC-9 series airplanes.

DATES: Effective April 14, 1980. Compliance schedule—As prescribed in the body of the AD.

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

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

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

or

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

FOR FURTHER INFORMATION CONTACT: Kyle L. Olsen, 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: Subsequent to the issuance of AD 79-24-01 (Amendment No. 39-3618, 44 FR 67102), the FAA learned of repairs made to the non-ventral aft pressure bulkhead auxiliary emergency exit door jamb which did not return the aircraft to its original structural integrity. In some cases steel doublers were installed which could alter the load path and in time result in additional cracks developing in the door jamb and the bulkhead web.

Therefore, the FAA is amending AD 79-24-01 to require a one-time visual inspection and modification, if necessary, to ensure that all repairs are in accordance with the configurations set forth in McDonnell Douglas Alert Service Bulletin A53-146; to provide relief from the inspections for 10,000 landings for those aircraft with a new emergency exit door jamb installed; and require that all future repairs be accomplished in accordance with data approved by the Chief, Aircraft Engineering Division.

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 Part 39 of the Federal Aviation Regulations (14 CFR 39.13) Amendment 39-3618 (44 FR 67012) AD 79-24-01 is amended as follows:

1. Paragraph (c)(3) is amended to read as follows:

For cracks for which no repair is prescribed in McDonnell Douglas DC-9 Alert Service Bulletin A53-127, Revision 1, dated September 26, 1979, repair in accordance with data approved by the Chief, Aircraft Engineering Division, FAA Western Region.

2. Renumber paragraphs (e), (f) and (g) to (g), (h) and (i), respectively and add new paragraphs (e) and (f) as follows:

(e) Within the next 500 landings after or at the next inspection required by paragraph (a)(4) or (b)(2), whichever occurs first, visually inspect the auxiliary emergency exit door jamb for repairs in accordance with paragraph (2)(C) of McDonnell Douglas DC-9 Alert Service Bulletin A53-146, dated March 14, 1980. (Hereinafter referred to as SB A53-146). Repairs not in accordance with SB A53-146 are to be modified as follows:

(1) For repairs to cracks which extend radially outboard, prior to further flight the repair must conform to the configuration defined by paragraph (2)(C) Condition III Type 3 of SB A53-146.

(2) For repairs to cracks which extend radially inboard, within the next 500 landings the repair must conform to the configuration defined by paragraph (2)(C) Condition III Type 2 of SB A53-146.

(3) For repairs to circumferentially oriented cracks, within the next 1,000 landings, the repair must conform to the configuration defined by paragraph (2)(C) Condition III Type 1 of SB A53-146.

(f) If a new replacement door jamb, P/N 5910163-9 or -255 is installed, within 10,000 landings after installation of the new door

jamb, and thereafter at intervals not to exceed 2,000 landings, inspect the door jamb in accordance with paragraph (b)(2).

3. Add new paragraph (j) as follows:

(j) The inspections and modifications required by this AD need not be accomplished if, after the effective date of this AD, the aircraft is operated without cabin pressurization and a placard is installed in the cockpit, in full view of the pilots, stating: "Operation With Cabin Pressurization is Prohibited."

This amendment becomes effective April 14, 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)

Issued in Los Angeles, Calif., on March 28, 1980.

Herman C. Bliss,

Acting Director, FAA Western Region.

[FR Doc. 80-11066 Filed 4-11-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 80-WE-19-AD; Amdt. 39-3743]

Airworthiness Directives; McDonnell Douglas Model DC-9 Series Airplanes

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This notice adopts a new airworthiness directive (AD) that requires inspection, and repair or replacement, as necessary, of the horizontal stabilizer rear spar on McDonnell Douglas Model DC-9 series airplanes. The AD is needed to prevent crack growth which could result in loss of structural integrity of the horizontal stabilizer rear spar.

DATES: Effective May 12, 1980. Compliance schedule—As prescribed in the body of the AD.

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

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

SUPPLEMENTARY INFORMATION: There have been reports of twelve cases of cracking of the horizontal stabilizer upper rear spar cap on McDonnell Douglas Model DC-9 series airplanes. Since this condition is likely to exist or develop on other airplanes of the same type design, an airworthiness directive is being issued to require inspection; and repair or replacement as necessary of the horizontal stabilizer rear spar on McDonnell Douglas DC-9 series airplanes.

The 800 hour compliance time for the initial inspection has been established by the FAA on the basis of safety consideration and is the same as that recommended by the manufacturer in the applicable service bulletin. This compliance time provides the lead time for operators to schedule and plan compliance with the AD with a minimum burden. To prescribe the initial inspection required by this AD under the usual notice and public procedures followed by the FAA within the time the FAA has determined is required in the interest of safety, would necessarily result in a reduction of the compliance time for the initial inspection required by this AD. This could possibly leave the operators insufficient time to schedule airplanes for compliance with the AD. Therefore, accomplishment of the initial inspection required by this AD within the time the FAA has determined is necessary makes strict compliance with the notice and public procedure provisions of the Administrative Procedure Act impracticable and this amendment becomes effective 30 days after publication in the **Federal Register.** However, interested persons are invited to submit such written data, views, or arguments as they may desire regarding this AD. Communications should identify the docket number and be submitted in duplicate to: Department of Transportation, Federal Aviation Administration, Western Region, Attention: Regional Counsel, Airworthiness Rule Docket, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009.

All communications received before the effective date will be considered by the Administrator, and the AD may be changed in the light of comments received. All comments will be available both before and after the effective date in the Rules Docket for examination by interested persons. Operators are urged to submit their comments as early as possible since it may not be possible to evaluate comments received near the effective date in sufficient time to amend the AD before it becomes effective.

The substance of this AD was informally coordinated with the Air Transport Association, the Airline Pilots Association and representatives of various operators at a meeting in the FAA Western Regional Office on February 28, 1980. As a result of the meeting, certain relaxatory compliance times were incorporated in the present AD as compared to the original FAA proposal presented at the meeting. These changes include deletion of inspection requirements until aircraft time in service reaches 20,000 hours, (was 15,000), and revision of the originally proposed 800 hour compliance on aircraft with 20,000 to 30,000 hours' time in service, to a compliance time of 1,200 hours.

Adoption of the Amendment

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

McDonnell Douglas: Applies to Model DC-9-10, -20, -30, -40, -50 series airplanes (including military C9A, C9B, and VC9C airplanes) certificated in all categories.

Compliance required as indicated, unless already accomplished. To prevent possible loss of structural integrity of the horizontal stabilizer rear spar, accomplish the following:

(a) On the accumulation of 20,000, or more, hours' total time in service, but less than 30,000 hours' total time in service, within 1,200 hours' additional time in service from the effective date of this AD, inspect the left and right horizontal caps by visual and eddy current methods per paragraph 2 of McDonnell Douglas Alert Service Bulletin A55-31, Revision 1, dated March 18, 1980.

(b) On the accumulation of 30,000, or more, hours' total time in service, within 800 hours' additional time in service from the effective date of this AD, inspect the left and right horizontal stabilizer upper and lower rear spar caps by visual and eddy current methods per paragraph 2 of McDonnell Douglas Alert Service Bulletin A55-31, Revision 1, dated March 18, 1980.

(c) If minor cracks are found which are within the limits of Figure 1 of Service Bulletin A55-31, remove minor cracks by trimming out as shown in Figure 1 of paragraph 2 of McDonnell Douglas Alert Service Bulletin A55-31, Revision 1, dated March 18, 1980.

(d) Horizontal stabilizer spars which have been subjected to crack trim-out per paragraph (c) of this AD, must be reinspected by visual and eddy current methods within 800 hours' additional time in service after accomplishment of paragraph (c), and thereafter at intervals not to exceed 800 hours' time in service until or prior to the accumulation of 3,200 hours' time in service since accomplishment of paragraph (c) of this AD, at which time the spar cap must be removed and replaced with a like serviceable part.

(e) If cracks are found which are beyond the trim-out limits of Figure 1 of Service Bulletin A55-31, remove and replace with like

serviceable part, and reinspect by visual and eddy current methods per paragraph 2 of McDonnell Douglas Alert Service Bulletin A55-31, Revision 1, dated March 18, 1980, prior to the accumulation of 20,000 hours' additional time in service on the replacement part.

(f) If no cracks are found as a result of any of the inspections required by this AD, re-inspect the left and right horizontal stabilizer upper and lower rear spar caps by visual and eddy current methods per paragraph 2 of McDonnell Douglas Alert Service Bulletin A55-31, Revision 1, dated March 18, 1980, at intervals not to exceed 6,400 hours' time in service since the last inspection.

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

(h) 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 May 12, 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)); 14 CFR 11.89)

Issued in Los Angeles, Calif., on April 1, 1980.

W. R. Frehse,

Acting Director, FAA Western Region.

[FR Doc. 80-11067 Filed 4-11-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 80-NW-11-AD, Amdt. 39-3744]

Airworthiness Directives; Boeing Model 747 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This Amendment revises Airworthiness Directive (AD) 79-18-02 which requires inspection and replacement, as necessary, of the lanyard cables on B. F. Goodrich escape slide/raft assemblies on certain Boeing 747 airplanes to include terminating action. The requirement for repeat inspections of the firing and packboard lanyards is eliminated, if they are replaced with approved nylon coated lanyards.

DATES: Effective date April 22, 1980.

ADDRESSES: The service bulletins specified in this directive may be obtained upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington, 98124. These documents may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington, 98108.

FOR FURTHER INFORMATION, CONTACT: Mr. Roger S. Young Airframe Section, ANW-212, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2516.

SUPPLEMENTARY INFORMATION: Amendment 39-3537 (44FR50034) AD 79-18-02, requires the inspection and/or replacement of slide/raft firing and packboard lanyards. Subsequent to the issuance of Amendment 39-3537, information has been supplied to the FAA which warrants changes to the AD.

Since this regulation is relieving in nature and imposes no additional burden, it is found that notice and public procedure hereon are unnecessary, and the amendment may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Airworthiness Directive 79-18-02, (Amdt. 39-3537, 44 FR 50034) as follows:

By amending Paragraph C to read:

C. Repeat inspections, described in paragraph A, at intervals not to exceed one (1) year from the date of the last inspection unless the lanyards are replaced as described in Boeing Service Bulletin 747-25A2467, Revision 2, paragraph III E, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. This replacement is terminating action for this Airworthiness Directive.

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

All persons affected by this directive who have not already received these documents from the manufacturer, may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

This amendment becomes effective April 22, 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 11.85).

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 April 2, 1980.

C. B. Walk, Jr.,

Director, Northwest Region.

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

[FR Doc. 80-11068 Filed 4-11-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 80-NW-16-AD; Amdt. 39-3745]

Airworthiness Directives; All Aircraft Utilizing the Pure-Air Filter In Accordance With STC SA69NW

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive requiring replacement of the Pure-Air foam filter element after 100 hours time in service since new, and installation of an internal screen on the downstream side of the filter box. A replacement interval for the foam filter element is also specified.

The effect of the action would be to remove old and brittle filter elements from service and to warn all maintenance personnel that plastic air filters must receive proper maintenance and replacement.

There have been four incidents during the past 8 months involving loss of engine power resulting from an aged filter disintegrating and then being partially ingested into the carburetor butterfly valve.

DATE: Effective date April 22, 1980.

ADDRESS: Pure-Air, Inc., Kent, P.O. Box 946, Kent, Washington 98031.

FOR FURTHER INFORMATION CONTACT: Francis LaBrash, FAA Modification Section, ANW-219, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108. Telephone: 206-767-2528.

SUPPLEMENTARY INFORMATION: Several incidents have occurred during the past few months, as reported by Malfunction and Defect Reports, in which there were partial or complete engine failures due to ingestion of portions of the air filter element (a plastic foam), which hardens and deteriorates with time. The filter then breaks up and is ingested into the carburetor butterfly valve.

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:

Pure-Air, Inc.: Applies to all aircraft using the Pure-Air, Inc. carburetor air inlet filter installed per STC SA69NW.

Compliance is required as indicated.

A. Within 60 days from the effective date of this AD, unless already accomplished.

1. Remove Pure-Air filter foam elements which have been installed for more than 100 hours time in service or one year, whichever occurs first, and install screen (PN M–117 Large or PN M–118 Small) on the downstream inside surface of the filter box (PN M–102 Large or PN M–101 Small) by means of the filter attach bolts.

2. Replace each Pure-Air filter element which has accumulated either 100 hours or one year in service with a new filter element.

B. Replace the foam filter element:

1. Every 100 hours time in service or 12 calendar months, whichever comes first.

2. Any time the filter element becomes 50% covered with any foreign material.

C. Install the new Pure-Air supplied decal, which reflects the above replacement times, in plain view on the upper right hand outside surface of the filter box.

This amendment becomes effective April 22, 1980.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (42 U.S.C. 1354(a), 1421, and 1423) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this document involves a regulation which is not considered to be significant under the provisions of Executive Order 12044 and as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 110354; February 26, 1979)

Issued in Seattle, Wash., on April 2, 1980.

C. B. Walk, Jr.,

Director, Northwest Region.

[FR Doc. 80–11069 Filed 4–11–80; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 79–EA–62, Amdt. 39–3746]

Airworthiness Directives; Boeing Vertol

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment issues a new airworthiness directive, applicable to Boeing Vertol 107–II type rotorcraft, which requires a life limit on the aft transmission quill shaft PN 107–D2067–1 and –3. This amendment results from evaluations conducted by the manufacturer.

EFFECTIVE DATE: April 16, 1980. Compliance is required as set forth in the AD.

ADDRESSES: Boeing Vertol Service Bulletins may be acquired from the manufacturer at P.O. Box 16858, Philadelphia, Pa. 19142.

FOR FURTHER INFORMATION CONTACT: E. Manzi, Propulsion Section, AEA–214, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, New York 11430; Tel. 212–995–2894.

SUPPLEMENTARY INFORMATION: In view of the air safety problem, notice and public procedure hereon are impractical, and the amendment may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by issuing a new airworthiness directive, as follows:

Boeing Vertol: Applies to all 107–II type helicopters.

Compliance required as indicated unless already accomplished.

To prevent possible failure of aft transmission quill shafts P/N 107D2067–1 and –3 accomplish the following:

1. Within 50 hours in service after the effective date of this AD, remove from service all quill shafts P/N 107D2067–1 and –3 that have accumulated 5990 or more hours in service.

2. Quill shafts with less than 5990 hours in service must be replaced when the parts have accumulated not more than 6040 hours in service.

3. Upon submission of substantiating data through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration (FAA) Eastern Region, may adjust the compliance time specified in this AD.

Effective date. This amendment is effective April 16, 1980.

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

Issued in Jamaica, New York, on April 2, 1980.

Murray E. Smith,

Director, Eastern Region.

[FR Doc. 80–11070 Filed 4–11–80; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 80–EA–10; Amdt. 39–3747]

Airworthiness Directives; DeHavilland

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment issues a new airworthiness directive, applicable to DeHavilland DHC–7 type airplanes, which requires an inspection of the main landing gear drag strut for cracks. The amendment results from two findings of cracks during routine inspections. The failure of the drag strut could result in failure of the landing gear which could cause an accident. An emergency directive was issued under date of February 1, 1980.

EFFECTIVE DATE: April 16, 1980, and was effective for all recipients of the emergency directive issued under date of February 1, 1980. Compliance is required as set forth in the AD.

ADDRESSES: DeHavilland Service Bulletins may be acquired from the manufacturer at Downsview, Ontario, Canada M3K 145.

FOR FURTHER INFORMATION CONTACT: C. Birkenholz, Airframe Section. AEA–212, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, New York 11430; Tel. 212–995–2875.

SUPPLEMENTARY INFORMATION: In view of the continuing air safety problem, notice and public procedure hereon are impractical, and the amendment may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by issuing a new airworthiness directive, as follows:

DeHavilland: Applies to DHC–7 model airplanes, Serial Numbers 1 thru 18, certificated in all categories.

To prevent possible failure of the main landing gear due to cracking in the upper drag strut, accomplish the following:

1. Prior to next flight, and daily thereafter, visually inspect the lower lug end of the upper drag strut sub-assembly on the main landing gear for cracks, in accordance with ACCOMPLISHMENT INSTRUCTIONS in DeHavilland Alert Service Bulletin A7–32–18, paragraphs 1. and 2., dated February 6, 1980, or equivalent.

2. At intervals of 40 hours in service or 50 landings, whichever occurs first, after the effective date of this AD, with gear partially retracted, inspect lugs for cracks in accordance with paragraph 3. of the above DeHavilland service bulletin

ACCOMPLISHMENT INSTRUCTIONS or equivalent.

3. If cracks are found, the upper drag strut assembly must be replaced before further flight by parts with the same part numbers or equivalent, inspected and found serviceable in accordance with the above DeHavilland service bulletin or equivalent.

4. Within 200 hours in service or 250 landings, whichever occurs first, after the effective date of this AD, inspect the upper drag strut lower lug ends by Eddy Current methods in accordance with paragraph 4. of the ACCOMPLISHMENT INSTRUCTIONS in the above DeHavilland service bulletin or equivalent.

5. When inspection in paragraph 4. is accomplished the inspections in paragraphs 1. and 2. are no longer required.

6. Report positive findings, including crack length, from any inspection, to the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region, within 10 days of inspection. (Reporting approved by Office of Management and Budget under OMB No. 04-R0174).

7. Equivalent parts and inspections must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

8. Compliance times may be increased by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region, upon receipt of substantiating data submitted through an FAA Maintenance Inspector.

Effective date. This amendment is effective April 16, 1980.

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

Issued in Jamaica, New York, on April 2, 1980.

Murray E. Smith,

Director, Eastern Region.

[FR Doc. 80-11071 Filed 4-11-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 80-EA-6; Amdt. 39-3748]

Airworthiness Directives; Pratt & Whitney of Canada, Ltd.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment issues a new airworthiness directive, applicable to Pratt & Whitney of Canada, Ltd. PT6A type aircraft engines, which requires an inspection and replacement where necessary of the fuel pump drive coupling. This amendment results from the discovery of spline wear of the coupling which can cause engine flameout.

EFFECTIVE DATE: April 18, 1980. Compliance is required as set forth in the AD.

ADDRESSES: Pratt & Whitney of Canada, Ltd. Service Bulletins may be acquired from the manufacturer at P.O. Box 10, Longueuil, Quebec, Canada J4K4X9.

FOR FURTHER INFORMATION CONTACT: J. Kiselica, Airframe Section, AEA-214, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, New York 11430; Tel. 212-995-2894.

SUPPLEMENTARY INFORMATION: In view of the air safety problem associated with a potential flameout, notice and public procedure hereon are impractical, and the amendment may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by issuing a new airworthiness directive, as follows:

Applies to Pratt & Whitney Aircraft of Canada, Limited PT6A-6, -6A, -6B, -6/C20, -11, -15AG, -20, -20A, -20B, -21, -25, -25A, -27, -28, -34, -34B, -34AG, -36, -41, -45A, -45B, -112, -135 turboprop engines and Pratt & Whitney Aircraft PT6A-20A, -25, -27, -28, -34 turboprop engines incorporating Part Number 02-14910-01 fuel pump coupling.

Compliance required as indicated unless previously accomplished.

To preclude wear of the fuel pump drive coupling splines which results in an engine flameout condition, accomplish the following:

a. Within the next 50 hours in service after the effective date of this AD for engines which have had a fuel pump removed within the last 200 hours in service, inspect 02-14910-01 fuel pump drive coupling for wear or damage. If the fuel pump drive coupling is worn or damaged replace the fuel pump drive coupling with a new coupling with the same part number or 5006050 coupling assembly in accordance with Paragraph 2, Accomplishment Instructions, in Pratt & Whitney Aircraft of Canada, Limited Service Bulletin Nos. 1316, 3139 or 12025 as applicable or an approved equivalent inspection and parts. If 02-14910-01 coupling is installed repeat above inspection each 200 hours in service thereafter until Paragraph b is accomplished.

b. For all engines, prior to July 1, 1981, replace 02-14910-01 fuel pump drive coupling with 5006050 coupling assembly in accordance with Paragraph 2, Accomplishment Instructions in Pratt & Whitney Aircraft of Canada, Limited Service Bulletin Nos. 1316, 3139 or 12025 as applicable or approved equivalent inspection and parts. When 5006050 coupling assembly is installed, the inspection requirements of this AD no longer apply.

Aircraft may be flown to a base for performance of maintenance required by this AD per FAR 21.197 or FAR 21.199.

All equivalent inspections and parts must be approved by the Chief, Engineering & Manufacturing Branch, of the Eastern Region of the FAA.

(Pratt & Whitney Aircraft of Canada, Limited Service Bulletin Nos. 1316, 3139 or 12025 pertain to this subject)

Effective Date: This amendment is effective April 18, 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 Jamaica, New York, on April 3, 1980.

Murray E. Smith,

Director, Eastern Region.

[FR Doc. 80-11080 Filed 4-11-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 78-NE-08, Amdt. No. 39-3710]

Airworthiness Directives; Pratt & Whitney Aircraft JT9D Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing Airworthiness Directive (AD) applicable to Pratt & Whitney Aircraft JT9D turbofan engines by requiring additional gearbox magnetic plug inspections. The amendment is needed since the FAA has determined that the 5,000 hour inspection threshold specified in the existing AD is inadequate to detect all instances of gearbox bearing distress.

DATES: Effective—April 18, 1980. Compliance schedule—as prescribed in the body of AD.

ADDRESSES: The applicable technical manual and service bulletin may be obtained from: Pratt & Whitney Aircraft Group, United Technologies Corporation, 400 Main Street, East Hartford, Connecticut 06108.

A copy of the service bulletin is contained in the Rules Docket, Federal Aviation Administration, Office of the Regional Counsel, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION: Daniel P. Salvano, Propulsion Section, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone: (617) 273-7348.

SUPPLEMENTARY INFORMATION: This amendment amends Amendment 39-3195, AD 78-08-13, which currently requires a repetitive main gearbox magnetic plug inspection on Pratt &

Whitney Aircraft JT9D turbofan engines. After issuing Amendment 39-3195, the FAA has determined, based on service experience, that main gearboxes having less than 5,000 hours time in service since new or since the last bearing inspection may experience internal bearing failures. Therefore, the FAA is amending Amendment 39-3195, by requiring magnetic plug inspections of main gearboxes having less than 5,000 hours time in service since new or since the last bearing inspection, on Pratt & Whitney Aircraft JT9D turbofan engines.

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 Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Amendment 39-3195 (43 FR 17345), AD 78-08-13, as follows:

1. By adding a new paragraph 2 to read: All gearboxes having 5,000 hours or less time in service since new or 5,000 hours or less time in service since the last bearing inspection, in accordance with the JT9D Engine Manual, P/N 646028, Section 72-02-50, must be inspected with either (a) or (b) whichever occurs earlier:

a. Within the next 650 hours and every 650 hours thereafter until a total gearbox time of 5,000 hours has been accumulated.

b. At a total gearbox time of 5,300 hours.

2. By renumbering the present paragraph 2 to read "3" and revising paragraph 3a and 3b(1) of the amendment as follows: "If no additional spalled particles are found resume the repetitive inspection of paragraph 1 or 2 as applicable."

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

The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this document is contained in the docket.

Issued in Burlington, Massachusetts, on April 3, 1980.

Arthur Varnado,

Acting Director, New England Region.

[FR Doc. 80-11081 Filed 4-11-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 80-NW-15-AD; Amdt. 39-3752]

Airworthiness Directives; Boeing Model 707-300B Series, 707-300C Series and 727C/727-100C Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This Amendment adopts a new Airworthiness Directive to require inspections and replacement as required of the main deck cargo door cam support fittings on Boeing Model 707-300B series airplanes with main deck cargo doors, Model 707-300C series airplanes, and Model 727C/727-100C series airplanes. Cracks have been detected in these fittings which could eventually reduce the door attachment integrity and result in a rapid decompression.

DATES: Effective date—April 20, 1980. Initial compliance—As prescribed in the body of the AD.

ADDRESSES: The Boeing documents specified in this directive may be obtained upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION, CONTACT: Mr. Gerald R. Mack, Airframe Section, ANW-212, Engineering and Manufacturing Branch, FAA, Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2516.

SUPPLEMENTARY INFORMATION: Several instances of cracked main cargo door cam support fittings have been reported. Cracks were detected in the bushed bore which supports the cam shaft and in the lower curved flange of the fitting. Cracking is attributed to fatigue from pressurization cycles. Loss of two adjacent fittings could allow the cargo door to distort sufficiently to result in rapid loss of cabin pressure. These fittings are installed in all 707-300B series airplanes with main deck cargo doors, 707-300C series airplanes, and 727C/727-100C series airplanes. Since this condition is likely to exist or develop in other airplanes of the same type design, action is taken herein to require inspection and replacement, if required, of the main cargo door cam support fitting.

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 Regulation (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Boeing: Applies to all Model 707-300B series airplanes with main deck cargo doors, 707-300C series airplanes, and 727C/727-100C series airplanes, certificated in all categories. Compliance required as indicated.

To detect cracks in the main deck cargo door cam fittings, accomplish the following:

A. Within the initial compliance times specified below, eddy current inspect all eight (8) main cargo door cam support fittings for cracks in accordance with Boeing Alert Service Bulletin Numbers 707-A3387 and 727-52-A124, as applicable, or later FAA approved revisions, or an alternate method approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. Compliance required for aircraft which have accumulated on the effective date of this AD:

1. 30,000 or more landings—within 250 landings after the effective date unless accomplished within the last 750 landings;

2. 20,000 or more landings, but less than 30,000 landings—within 500 landings unless accomplished within the last 500 landings;

3. Less than 20,000 landings—prior to the accumulation of 20,500 landings.

B. Repeat the inspection in accordance with Paragraph A of this AD at intervals not to exceed 1,000 landings.

C. Cracked fittings must be replaced prior to further flight or repaired in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. Repaired fittings must be inspected in accordance with Paragraph B of this AD. Replacement fittings must be inspected in accordance with Paragraph A of this AD upon accumulation of 20,000 landings, and thereafter at intervals not to exceed 1,000 landings.

D. Aircraft with less than five (5) cracked fitting(s) may be ferried unpressurized to a maintenance base for replacement in accordance with FAR 21.197.

E. For the purpose of complying with this AD, pressurization cycles may be substituted for landings, if an operator has complete records of pressurization cycles.

This AD may be amended to include terminating action provisions.

The manufacturer's specifications and procedures identified and described in this

directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

This amendment becomes effective April 20, 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)

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

Issued in Seattle, Washington, on April 4, 1980.

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

C. B. Walk, Jr.,

Director, Northwest Region.

[FR Doc. 80-11075 Filed 4-11-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 20247; Amdt. 39-3754]

Airworthiness Directives; Short Brothers Limited Model SC 7 Skyvan Series 3

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires a one time inspection, and reinstallation if necessary, of the spring heel block attachment to the air/ground lever on Short Brothers Limited Model SC 7 Skyvan Series 3 airplanes. This AD is necessary to ensure that the spring heel block is retained on the air/ground lever. If the spring heel block inadvertently becomes detached, it could fall into and jam, or restrict the movement of, the engine power controls which could result in loss of control of engine power and impair control of the airplane.

DATES: Effective—April 28, 1980. Compliance schedule—as prescribed in body of AD.

ADDRESSES: The applicable service bulletin may be obtained from: Short Brothers Limited, P.O. Box 241, Airport Road, Belfast, BT 3 9 DZ, Attention: Product Support Manager.

A copy of the service bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

D. C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Telephone: 513.38.30, or C. Christie, Chief, Technical Standards Branch, AWS-110, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, Telephone: 202-426-8374.

SUPPLEMENTARY INFORMATION: There have been reports that the spring heel block has become detached from the air/ground lever as installed on Short Brothers Limited Model SC 7 Skyvan Series 3 airplanes. The spring heel block, if detached, can fall into other engine control systems located in the vicinity and jam, or restrict the movement of, the engine power controls which could result in loss of control of engine power settings and impair control of the airplane. Since this condition is likely to exist or develop on other airplanes of the same type design, an airworthiness directive is being issued which requires a one time inspection of the spring heel block to air/ground lever attachment to ensure that the spring heel block retaining pin and plate are properly installed, and re-installation of the spring heel block if it is found detached.

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:

Short Brothers Limited: Applies to Model SC 7 Skyvan Series 3 airplanes certificated in all categories.

Compliance is required as indicated unless already accomplished.

To prevent possible jamming or restricted movement of the engine power levers, accomplish the following:

(a) Within 10 hours time in service after the effective date of this AD, inspect the air/ground lever to check that the spring heel block retaining pin P/N SC 7-47-5349 is securely locked into position by retaining plate P/N SC 7-47-5350.

(1) If, as a result of this inspection, the spring heel block or the retaining pin or plate are found to be missing or improperly installed, before further flight—

(i) Replace the missing parts with parts of the same P/N or reinstall improperly secured parts;

(ii) Remove all unattached parts found in the console area;

(iii) Check all controls located on the pilot's console for freedom of movement and full travel; and

(iv) Return the airplane to service.

(2) If, as a result of this inspection, the spring heel block, retaining pin and retaining plate are found to be properly installed the airplane may be returned to service.

Note.—Shorts Service Bulletin No. 76-A56 concerns this same subject.

This amendment becomes effective April 28, 1980.

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

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044 as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this action is in the regulatory docket. A copy of it may be obtained by writing to C. Christie, Chief, Technical Standards Branch, AWS-110, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591.

Issued in Washington, D.C. on April 3, 1980.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 80-11076 Filed 4-11-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 20248, Amdt. 39-3755]

Airworthiness Directives; British Aerospace/Societe Nationale Industrielle Aerospatiale Concorde Type I Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which supersedes telegraphic AD dated April 6, 1979, which was previously made effective to all known United States operators of British Aerospace/Societe Nationale Industrielle Aerospatiale Model Concorde Type I airplanes. The AD requires replacement of the electrical pitch trim computer with a

modified electrical pitch trim computer of a new part number.

DATES: This amendment becomes effective April 14, 1980. Compliance schedule—as prescribed in the body of AD.

ADDRESSES: The applicable service bulletin (campaign wire) may be obtained from:

British Aerospace, Inc., Brooklands Road, Weybridge, Surrey, England RT 13 OSJ.
Societe Nationale Industrielle Aerospatiale (SNIAS), 37, blvd. de Montmorency, 75781 Paris Cedex 16, France.

A copy of the campaign wire is contained in the Rules Docket in Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591

FOR FURTHER INFORMATION CONTACT: D. C. Jacobsen, Chief, Aircraft Certification Staff, AEU–100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Telephone: 513.38.30, or C. Christie, Chief, Technical Standards Branch, AWS–110, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591, Telephone: 202–426–8374.

SUPPLEMENTARY INFORMATION: An emergency telegraphic airworthiness directive (AD) was adopted on April 6, 1979, which required replacement of the electrical pitch trim computer with a modified electrical pitch trim computer of a new part number and repetitive inspection of the existing computer until replaced. The April 6 telegram superseded telegraphic AD dated March 27, 1979 which had required inspection and testing of the existing electrical pitch trim computer and installation of a temporary placard. The March 27 telegram had superseded a telegram issued on March 21, 1979 because certain clarifications were needed.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest, and good cause existed to make the ADs effective immediately as to all known U.S. operators of British Aerospace/Societe Nationale Industrielle Aerospatiale Model Concorde Type I airplanes by telegraphic means.

The telegraphic AD dated April 6, 1979, required the pitch trim computer replacement by no later than April 15, 1979. Since the time for replacements has passed, and repetitive inspections need not be performed on modified computers, the telegraphic AD dated April 6, 1979, is being superseded by a new AD that deletes the repetitive inspection requirement. Clarifying language has also been added concerning the FAA-approved equivalent to the manufacturer's campaign wire.

Since a situation exists that requires immediate adoption of this regulation, notice and public procedure thereon 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:

British Aerospace/Societe Nationale Industrielle Aerospatiale: Applies to all Concorde Type I airplanes, certificated in any category.

To prevent unwanted deviation from the flight path, accomplish the following:

(a) Prior to the next flight after the effective date of this AD, unless already accomplished, remove electrical pitch trim computers 1C151 or 2C151 and install in their place modified electrical pitch trim computers, P/N 49–004.071C51 or P/N 49–004.072C151, as appropriate, in accordance with Concorde Campaign Wire 22CW019, issue 2, dated March 27, 1979, or an equivalent approved by the Chief, Aircraft Certification Staff, Federal Aviation Administration, Europe, Africa, and Middle East Region, c/o American Embassy, Brussels, Belgium.

Note.—Concorde service bulletin 22A019 (Mod. 1669) also concerns the installation of the modified electrical pitch trim computers.

This supersedes telegraphic airworthiness directive dated April 6, 1979.

This amendment becomes effective April 14, 1980.

This amendment is made under the authority of Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89.

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

Issued in Washington, D.C., on April 3, 1980.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 80–11077 Filed 4–11–80; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 80–WE–2]

Establishment of Transition Area; Arizona

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment designates a transition area at Globe, Arizona. The transition area is necessary to provide controlled airspace for arrival/departure operations for the Globe-San Carlos Regional Air Facility Airport, Globe, Arizona.

EFFECTIVE DATE: May 15, 1980.

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

SUPPLEMENTARY INFORMATION:

History

On February 19, 1980, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate a transition area for Globe, Arizona (45 FR 10806). The FAA has established an instrument approach procedure (NDB–A) for the Globe-San Carlos Regional Air Facility Airport. Designation of this transition area is to provide controlled airspace for increased aircraft operations in the Globe area. Interested persons were invited to participate in the rulemaking proceeding by submitting comments on the proposal to the FAA. No comments objecting to the proposal were received. This amendment is the same as that proposed in the notice. Section 71.181 was republished in the **Federal Register** on January 2, 1980, (45 FR 445).

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) designates a transition area at Globe, Arizona. This transition area provides protection for IFR arrival/departure operations authorized in the Globe, Arizona area. This amendment increases air traffic safety and improves flow control procedures.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.181 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:

Under § 71.181 add:

Globe, Arizona

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Globe-San Carlos Regional Air Facility Airport (latitude 33°21'10" N., longitude 110°40'10" W.); and within 4 miles each side of the 080° bearing from the Globe-San Carlos Regional Air Facility Radiobeacon (RBN) (latitude 33°21'16" N., longitude 110°39'53" W.) extending from the 5-mile radius area to 10 miles east of the RBN.

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

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

Issued in Los Angeles, Calif., on April 1, 1980.

W. R. Frehse,

Acting Director, Western Region.

[FR Doc. 80-11064 Filed 4-11-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 80-WA-5]

Amendment to Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action suspends Federal Airway V-83 within the Talon Military Operations Area (MOA) near Carlsbad, N. Mex., during the time that the MOA is activated by Notice to Airman (NOTAM). Suspension of the airway within the MOA facilitates military training which is not compatible with the existence of the airway and permits more efficient joint military and civil use of the navigable airspace.

EFFECTIVE DATE: May 15, 1980.

FOR FURTHER INFORMATION CONTACT: George O. Hussey, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone: (202) 426-3715.

SUPPLEMENTARY INFORMATION:

History

On March 20, 1980, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to amend Federal Airway V-83, 12,000 feet MSL and above, within the Talon MOA during the time that the MOA is activated by NOTAM (45 FR 18027). Interested persons were afforded the opportunity to participate in the rulemaking proceeding through the submission of comments. Comments received expressed no objection to the proposal. This amendment is the same as that proposed in the notice. Section 71.123 of Part 71 was republished in the **Federal Register** on January 2, 1980, (45 FR 307).

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) suspends that portion of Federal Airway V-83 12,000 feet MSL and above from 7 miles northwest of Carlsbad VORTAC to 19 miles southeast of Roswell VORTAC during the time that the Talon MOA is activated by NOTAM.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (45 FR 307) is amended, effective 0901 G.m.t., May 15, 1980, as follows:

In § 71.123, under V-83; add "That portion of the airway 12,000 feet MSL and above from 7 miles (Lat. 32°22'06" N., Long. 104°15'57" W.) northwest of Carlsbad VORTAC to 19 miles (Lat. 33°02'04" N., Long. 104°30'32" W.) southeast of Roswell VORTAC is suspended during the time that the Talon MOA is activated by NOTAM."

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

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

Issued in Washington, D.C., on April 8, 1980.

James Burns, Jr.,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 80-11065 Filed 4-11-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 95

[Docket No. 20249; Amdt. No. 95-291]

IFR Altitudes; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

EFFECTIVE DATE: May 15, 1980.

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

SUPPLEMENTARY INFORMATION: This amendment to Part 95 of the Federal Aviation Regulations (14 CFR Part 95) prescribes new, amended, suspended, or revoked IFR altitudes governing the operation of all aircraft in IFR flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in Part 95. The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference.

The reasons and circumstances which create the need for this amendment involve matters of flight safety, operational efficiency in the National Airspace System, and are related to published aeronautical charts that are essential to the user and provides for the safe and efficient use of the navigable

airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of those close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment is unnecessary, impracticable, or contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days.

Adoption of the amendment

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

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

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

Issued in Washington, D.C. on April 8, 1980.

John S. Kern,

Acting Chief, Aircraft Programs Divisions.

BILLING CODE 4910-13-M

§95.50 GREEN FEDERAL AIRWAY 10
is amended by adding:

FROM	TO	MEA
Elles, Alas. NDB	Humboldt, Alas NDB	5000

§95.52 GREEN FEDERAL AIRWAY 12
is amended by adding:

FROM	TO	MEA
Elles, Alas. NDB	Humboldt, Alas NDB	10000

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

FROM	TO	MEA
Wolbach, Neb VORTAC	Des Moines, Iowa VORTAC	*10000
*3900—MOCA		MAA—17500

§95.6002 VOR FEDERAL AIRWAY 2
is amended to delete:

FROM	TO	MEA
Helena, Mont. VOR	*Menar INT, Mont.	**9500
*9000—MCA Menar INT, NW-bound		
**9100—MOCA		
Menar INT, Mont.	*Bozeman, Mont. VOR	8500
*9300—MCA Bozeman VOR, SE-bound		
*Bozeman, Mont. VOR	Livingston, Mont. VOR	10000
*9300 – MCA Bozeman VOR, SE-bound		

§95.6002 VOR FEDERAL AIRWAY 2
is amended to read in part:

FROM	TO	MEA
Helena, Mont VOR	*Vests INT, Mont	
	W-bound	9700
	E-bound	10800
*10800 – MRA		
Vests INT, Mont.	Conns INT, Mont	10800
Conns INT, Mont	Livingston, Mont. VOR	10000
Helena, Mont. VOR	*Vests INT, Mont.	
Via S alter	Via S alter.	
	W-bound	9700
	E-bound	10800
*10800 – MRA		
Vests INT, Mont.	*Menar INT, Mont.	
Via S alter.	Via S alter.	9700
*9200—MCA NW-bound		
Menar INT, Mont.	Bozeman, Mont. VOR	
Via S alter.	Via S alter.	8500
*Bozeman, Mont. VOR	Livingston, Mont. VOR	
Via S alter	Via S alter.	10400
*9300-MCA Bozeman VOR SE-bound		

§95.6002 VOR FEDERAL AIRWAY 2
is amended by adding:

FROM	TO	MEA
Gardner, Mass. VOR	Tyngs INT, Mass.	3500
Tyngs INT, Mass.	Lawrence, Mass. VOR	2000

§95.6004 VOR FEDERAL AIRWAY 4
is amended to read in part:

FROM	TO	MEA
Charleston, W. Va. VORTAC	*Italy INT, W. Va.	3000
*4000-MRA		

§95.6007 VOR FEDERAL AIRWAY 7
is amended to read in part:

FROM	TO	MEA
Gilbi INT, Fla	Covol INT, Fla.	
Via E alter.	Via E alter	*3500
*1500-MOCA		
Covol INT, Fla	Ft. Myers, Fla. VOR	
Via E alter	Via E alter	2000

§95.6007 VOR FEDERAL AIRWAY 7
is amended to read in part:

FROM	TO	MEA
Montgomery, Alas VOR	Annie INT, Ala	2000
Annie INT, Ala	Vulcan, Ala VOR	3000

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

FROM	TO	MEA
Revon INT, Calif	Garey INT, Calif.	
	NE-bound	10500
	SW-bound	8000
Garey INT, Calif	*Lucer INT, Calif	10500
*9300-MCA Lucer INT, SW-bound		

§95.6010 VOR FEDERAL AIRWAY 10
is amended to read in part:

FROM	TO	MEA
*Staff INT, Kans	Hutchinson, Kans VOR	**3100
*4200-MRA		
**3000-MOCA		
*Steal INT, Kans	Hutchinson, Kans VOR	
Via N alter	Via N alter	**3200
*4000-MRA		
**3000-MOCA		

§95.6016 VOR FEDERAL AIRWAY 16
is amended to delete:

FROM	TO	MEA
Woons INT, R.I.	Milis INT, Mass.	*2300
*1800-MOCA		

§95.6016 VOR FEDERAL AIRWAY 16
is amended to read in part:

FROM	TO	MEA
Woons INT, R.I.	Wilki INT, Mass.	3000
Wilki INT, Mass	Milis INT, Mass	2000

§95.6021 VOR FEDERAL AIRWAY 21
is amended to read in part:

FROM	TO	MEA
Revon INT, Calif.	Garey INT, Calif.	
	NE-bound	10500
	SW-bound	8000
Garey INT, Calif.	*Lucer INT, Calif.	10500
*9300-MCA Lucer INT, SW-bound		

§95.6024 VOR FEDERAL AIRWAY 24
is amended to read in part:

FROM	TO	MEA
Aberdeen, S D VOR	Watertown, S.D VOR	*3700
*3200-MOCA		

§95.6027 VOR FEDERAL AIRWAY 27

is amended to read in part:

FROM	TO	MEA
Gaviota, Calif. VOR	*Orcutt INT, Calif.	6000
*6000-MCA Orcutt, SE-bound		
Orcutt INT, Calif.	San Luis Orispo, Calif. VOR	4000

§95.6045 VOR FEDERAL AIRWAY 45

is amended to read in part:

FROM	TO	MEA
Kimes INT, N C.	Greensboro, N C VOR	2500

§95.6071 VOR FEDERAL AIRWAY 71

is amended to read in part:

FROM	TO	MEA
Pierre, S D VORTAC	Swimm INT, S.D.	*5500
*3600-MCA		
Swimm INT, S D	Bismarck, N D VORTAC	
	S-bound	5500
	N-bound	3600

§95.6086 VOR FEDERAL AIRWAY 86

is amended to read in part:

FROM	TO	MEA
*Bozeman, Mont. VOR	Livingston, Mont. VOR	10400
*9300-MCA Bozeman VOR, SE-bound		

§95.6099 VOR FEDERAL AIRWAY 99

is amended by adding:

FROM	TO	MEA
Hartford, Conn. VOR	Eagre INT, Conn.	*3000
*2100-MOCA		
Eagre INT, Conn.	Layer INT, Conn	*3000
*2300-MOCA		
Layer INT, Conn.	INT 057 M rad Hartford VOR & 025 M rad Putnam VOR	3000
INT 057 M rad Hartfort VOR & 025 M rad Putnam	Dreem INT, Mass.	3000
Dreem INT, Mass.	INT 025 M rad Putnam VOR & 111 M rad Gardner VOR	3500
INT 025 M rad Putnam VOR & 111 M rad Gardner VOR	Lobby INT, Mass.	3500
Lobby INT, Mass.	Manjo INT, Mass.	2000
Manjo INT, Mass.	Rever INT, Mass.	2000
Rever INT, Mass.	Boston, Mass. VOR	2000

§95.6106 VOR FEDERAL AIRWAY 106

is amended to delete:

FROM	TO	MEA
Gardner, Mass. VOR	Stare INT, N.H.	3500
Stare INT, N.H.	Manchester, N.H. VOR	2000

§95.6106 VOR FEDERAL AIRWAY 106

is amended to read in part:

FROM	TO	MEA
Gardner, Mass. VOR	Cinky INT, N.H.	2600
Cinky INT, N.H.	Manchester, N.H. VOR	2000

§95.6132 VOR FEDERAL AIRWAY 132

is amended to read in part:

FROM	TO	MEA
*Steal INT, Kans.	Hutchinson, Kans. VOR	**3200
*4000-MRA		
**3000-MOCA		

§95.6140 VOR FEDERAL AIRWAY 140

is amended to read in part:

FROM	TO	MEA
Nashville, Tenn. VOR	Harme INT, Tenn.	*3000
*2400-MOCA		
Harme INT, Tenn.	Livingston, Tenn. VOR	3000

§95.6159 VOR FEDERAL AIRWAY 159

is amended to read in part:

FROM	TO	MEA
Nitny INT, Fla.	Vero Beach, Fla. VOR	2000

§95.6218 VOR FEDERAL AIRWAY 218

is amended to read in part:

FROM	TO	MEA
Waukon, Ia. VOR	*Boulk INT, Wis.	**5000
*4000-MRA		
**2500-MOCA		
Boulk INT, Wis.	Rockford, Ill. VOR	*4000
*2500-MOCA		

§95.6234 VOR FEDERAL AIRWAY 234

is amended to read in part:

FROM	TO	MEA
Biway INT, Kans.	Gabie INT, Kans	*4300
*3300-MOCA		
Gabie INT, Kans.	Hutchinson, Kans. VOR	*3200
*3000-MOCA		

§95.6267 VOR FEDERAL AIRWAY 267

is amended to read in part:

FROM	TO	MEA
Palm Beach, Fla. VOR	Sheds INT, Fla.	
Via E alter.	Via E alter.	2000

§95.6280 VOR FEDERAL AIRWAY 280

is amended to read in part:

FROM	TO	MEA
Corko INT, Kans.	Wipet INT, Kans.	*8000
*3500-MOCA		
Wipet INT, Kans	Hutchinson, Kans. VOR	*3100
*3000-MOCA		

§95.6292 VOR FEDERAL AIRWAY 292

is amended to delete:

FROM	TO	MEA
Putnam, Conn. VOR	Bosox INT, Mass.	*2600
*2000-MOCA		
Bosox INT, Mass.	Broth INT, Mass.	*2300
*1800-MOCA		
Broth INT, Mass.	Boston, Mass. VOR	2300

§95.6292 VOR FEDERAL AIRWAY 292

is amended to read in part:

FROM	TO	MEA
Putnam, Conn. VOR	Dreem INT, Mass.	3000
Dreem INT, Mass.	INT 025 M rad Putnam VOR & 111 M rad Gardner VOR	3500
INT 025 M rad Putnam VOR & 111 M rad Gardner VOR	Lobby INT, Mass.	3500
Lobby INT, Mass.	Manjo INT, Mass.	2000
Manjo INT, Mass.	Rever INT, Mass.	2000
Rever INT, Mass.	Boston, Mass. VOR	2000

§95.6345 VOR FEDERAL AIRWAY 345

is amended to read in part:

FROM	TO	MEA
Eau Claire, Wis. VOR	Hayward, Wis. VOR	*4500
*3000-MOCA		

§95.6506 VOR FEDERAL AIRWAY 506
Is amended to read in part:

FROM	TO	MEA
Bethel, Alas. VOR *1900-MOCA	Marsi DME Fix, Alas.	*2000
Marsi DME Fix, Alas. *9500-MRA **3200-MOCA #MEA Gap is established with a gap in navigation signal coverage.	*Johni DME Fix, Alas.	**#8000
*Johni DME Fix, Alas. *9500-MRA **3200-MOCA #MEA Gap is established with a gap in navigation signal coverage.	Docia DME Fix, Alas.	**#8000
Docia DME Fix, Alas. *3200-MOCA	Nome, Alas. VOR	*4000

§95.7089 JET ROUTE NO. 89 is amended to read in part:

FROM	TO	MEA	MAA
Lakeland, Fla. VORTAC	Atlanta, Ga. VORTAC	25000	45000

§95.7091 JET ROUTE NO. 91 is amended by adding:

FROM	TO	MEA	
Cross City, Fla. VORTAC	Atlanta, Ga. VORTAC	24000	45000

2. By amending Sub-part D as follows:

§95.8005 JET ROUTES CHANGEOVER POINTS

AIRWAY SEGMENT FROM	TO	CHANGEOVER POINTS DISTANCE	FROM
J-18 is amended to read in part:			
St Joseph, Mo VORTAC	Bradford, Ill. VORTAC	75	St. Joseph
Bradford, Ill VORTAC	St Joseph, Mo VORTAC	179	Bradford

[FR Doc. 80-11072 Filed 4-11-80; 8:45 am]
BILLING CODE 4910-13-C

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

Correction

In FR Doc. 80–9295 appearing on page 20074 in the issue of Thursday, March 27, 1980, make the following corrections:

1. On page 20087, middle column, in the tenth line of § 404.1058(a)(2), "if" should have read "If".

2. On page 20092, third column, in § 404.1083, the last paragraph should have been designated "(d)" instead of "(b)".

BILLING CODE: 1505-01-M

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 630

[AR 190–9]

Military Absentee and Deserter Apprehension

AGENCY: Department of the Army, DoD.

ACTION: Final rule.

SUMMARY: The Department of the Army published on January 29, 1980 an Interim Rule (45 FR 6566) and requested public comment on the amendment of Army regulations concerning the Military Absentee and Deserter Apprehension program. Only one inquiry was received requesting verbal information on the historical precedence for payment of rewards for deserter apprehension; therefore, 32 CFR Part 630 is promulgated as a final rule.

EFFECTIVE DATE: February 1, 1980.

ADDRESS: HQDA(DAPE–HRE), Washington, DC 20310.

FOR FURTHER INFORMATION CONTACT: Colonel Thomas A. MacDonnell, GS, Chief, Law Enforcement Division, HQDA(DAPE–HRE), Washington, DC 20310 (202) 695–5662.

New Part 630 as published on January 29, 1980 is promulgated as a final rule.

Thomas A. MacDonnell,

Colonel, U.S. Army, Chief, Law Enforcement Division, Human Resources Development Directorate, Office of the Deputy Chief of Staff for Personnel, Headquarters, Department of the Army.

20310.

[FR Doc. 80–11195 Filed 4–11–80; 8:45 am]

BILLING CODE 3710–08–M

Department of the Air Force

32 CFR Part 889

Desertion and Unauthorized Absence

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

ACTION: Final rule.

SUMMARY: The Department of the Air Force is revising Part 889 of Chapter VII, Title 32, of the Code of Federal Regulations. This revision prescribes the policies and procedures for management of desertion and unauthorized absence. It clarifies the circumstances for return to military control and assigns responsibility for actions required to implement the new Deserter Apprehension Program. This part implements DOD Directive 1325.2, August 20, 1979.

EFFECTIVE DATE: February 1, 1980.

FOR FURTHER INFORMATION CONTACT: Ms. June Hughes, HQ AFMPC/MPCAKE, Randolph AFB, Texas 78148, telephone (512) 657–2148.

SUPPLEMENTARY INFORMATION: Part 889 of Subchapter I, Chapter VII, Title 32, of the Code of Federal Regulations has been revised. The revision updates instructions for action at base level; restricts requests for FBI assistance to aggravated cases; increases the amounts of the rewards and reimbursements payable to persons or agencies apprehending or returning absentees or deserters, and generally updates office symbols and references.

Accordingly, Title 32 of the Code of Federal Regulations is amended by revising Part 889 to read as follows:

PART 889—DESERTION AND UNAUTHORIZED ABSENCE

Subpart A—General Information and Policy

Sec.
889.1 Purpose.
889.2 When unauthorized absence begins and ends.
889.3 Administrative classification of deserters.
889.4 When return to military control occurs.
889.5 Apprehension policy.
889.6 Authority to apprehend.
889.7 Where absentees are returned to military control.

Subpart B—Responsibilities

889.8 General Responsibilities.

Subpart C—Cooperation With Civil Authorities

889.9 Notice to civil authorities.
889.10 Absentees detained by civil authorities.
889.11 Rewards and reimbursements.
889.12 Notice of return to military control.

Subpart D—Action Involving National Security

889.13 Action in cases involving security considerations.

Authority: 10 U.S.C. 8012.

Note.—This part is derived from Air Force Regulation 35–73, December 3, 1979, and Interim Message Change, January 28, 1980. Part 806 of this chapter states the basic policies and instructions governing the disclosure of records and tells members of the public what they must do to inspect or obtain copies of the material referenced herein.

§ 889.1 Purpose.

This part sets out policies and standard procedures for the management of desertion and unauthorized absence. It tells how the Air Force tries to reduce the number of absences and return the absentees to military control. It implements DOD Directive 1325.2, August 20, 1979. This part applies to all military personnel serving on, or ordered to report to, active duty with the Air Force. This includes members of the Reserve components who are serving on, or ordered to report to active duty or active duty for training.

Note.—This regulation prescribes a system of records which is affected by the Privacy Act of 1974 as authorized by 10 U.S.C. 885, 886, and 887.

Subpart A—General Information and Policy

§ 889.2 When unauthorized absence begins and ends.

An unauthorized absence:

(a) Starts at the time a member is absent from the place where he or she is required to be present. Cite the date and hour.

(b) Ends when the absentee or

deserter returns to military control (see 889.4). Cite the date and hour.

§ 889.3 Administrative classification of deserters.

Classify an absentee as a deserter, for administrative purposes, and issue a DD Form 553, Absentee Wanted by the Armed Forces, when he or she:

(a) Has been absent without leave (AWOL) for 30 consecutive days. Count the day of departure as the first day of AWOL. This status lasts through 2400 hours on the 30th consecutive day. Change the absentee's status to desertion at 0001 hours on the 31st day.

(b) Is AWOL, without regard to the length of the absence, and:

(1) Is under duty or travel restrictions imposed by AFR 205–32, USAF Personnel Security Program.

(2) Has had access in the past 12 months to TOP SECRET information or other classified information for which special access authority is required.

(3) Has gone to, or remains in, a foreign country and, while in the foreign country, has requested or applied for, or accepted, any type of asylum or resident permit from that country, or any governmental agency of the foreign country.

(4) Action pending on a previous unathorized absence has not been completed.

(5) Is an escaped prisoner.

(6) In addition to being AWOL, is wanted for a serious offense.

Note.—Refer to 889.13 if (b) (1), (2), or (3) of this section applies.

§ 889.4 When return to military control occurs.

Return to military control occurs when (date and hour):

(a) An absentee or deserter surrenders to, is delivered to, or is apprehended by or for military authorities; or

(b) A civilian authority holding the absentee or deserter for some reason other than at the request of the military informs the military of his or her availability; or

(c) An absentee or deserter otherwise comes under the control of military personnel; or

(d) Is determined by HQ AFMPC/MPCAKE to have been returned to military control.

Note.—An absentee in the hands of civil authorities is no longer considered to be at large when a detainer is lodged with civilian authorities. The detainer ensures that military authorities will be told when civilian authorities are ready to release the absentee.

§ 889.5 Apprehension policy.

Commanders must make every effort to apprehend absentees as quickly as possible. Investigation of the facts of the case and apprehension efforts must start immediately when an unauthorized absence occurs. These efforts not only help return the absentees to military control sooner, but they can also serve to deter others from unauthorized absence. When a lead as to the location of an absentee is developed, the security police pass it to the proper civil law enforcement authorities and ask for their help in returning the absentee to military control. The CBPO prepares a DD Form 553 in these cases, if one has not been issued. Distribution is limited to the military records and the civil authorities concerned.

§ 889.6 Authority to apprehend.

(a) Absentees and deserters may be apprehended by members of the Armed Forces as prescribed by Article 7b of the UCMJ and the Manual for Courts-Martial (MCM).

(b) A civil officer who has authority to apprehend offenders under the laws of the United States may summarily apprehend a deserter from the Armed Forces and deliver him or her into the custody of the Armed Forces. See Article 8 of the UCMJ and MCM. Civilian law enforcement authorities may apprehend absentees when requested to do so by Military or Federal authorities.

(c) United States authorities may apprehend absentees and deserters in foreign countries only when authorized to do so by an international agreement with the country concerned, or by agreement with proper local authorities when such agreement is not violative of an existing international agreement. In these cases:

(1) Give careful consideration, in consultation with the servicing staff judge advocate, to possible international implications and adverse foreign reaction.

(2) Where apprehension cannot be accomplished, or in any case where doubt exists as to apprehension authority, a report of the facts must be sent to HQ USAF/JACI, Wash DC 20324, for submission through channels to the Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics) for resolution.

§ 889.7 Where absentees are returned to military control.

(a) Absentees and deserters will be received at any military installation staffed by active duty personnel. Immediate action must be taken to transfer an individual to the nearest installation of his or her branch of the military service having facilities to process absentees and deserters.

(b) In foreign countries, military attachés, the Chiefs of Military Assistance Advisory Group (MAAG) or similar organizations will not accept the offer of a deserter or absentee to return to military control unless the United States is directly responsible for the presence of the individual in the country where assistance is requested.

(1) Generally, such deserters and absentees are advised and assisted to report, at their own expense, to a proper United States military installation within the United States or overseas.

(2) Unless they are citizens of the country in which assistance is requested, absentees and deserters must be reported to the proper authorities of such foreign country with a view toward deportation.

(3) If the individual departs the foreign country or is deported, the military attaché or Chief of the MAAG will make arrangements, if possible, when such departure is known, to have the individual taken into custody on his or her arrival within a territory where United States military officers have authority to apprehend.

(4) The Chief of the US diplomatic mission must be kept fully informed.

Subpart B—Responsibilities

§ 889.8 General responsibilities.

(a) All Members. All members of the Air Force must be present for duty at the time and place they are ordered to be. It is their responsibility to do this in support of mission accomplishment.

(b) Commanders and Supervisors at All levels. Commanders and supervisors must:

(1) Make sure that all members understand and assume their responsibility to be present for duty at the time and place they are ordered to be.

(2) Take prompt action when a member is not present for duty.

(c) Directorate of Personnel Plans (HQ USAF/MPX):

(1) Is the focal point for personnel policy.

(2) Is responsible for initiating and fostering those policies that will minimize the occurrence of unauthorized absence and desertion.

(d) International Law Division, Office of the Judge Advocate General (HQ USAF/JACI). This is the focal point for international law issues concerning apprehension overseas.

(e) Chief of Security Policy, Air Force Office of Security Police (HQ AFOSP/SP):

(1) Is the focal point for apprehension of absentees and deserters.

(2) Evaluates and proposes changes as

needed to the Joint Service Apprehension Program.

(3) Develops, disseminates, monitors, and evaluates policies and procedures for the apprehension of Air Force absentees.

(4) With the assistance of the Defense Investigative Service establishes liaison and maintains a level of coordination with civilian law enforcement agencies and other military services as necessary to encourage their active participation in absentee and deserter apprehension programs.

(5) Provides guidelines and monitors the use of escorts in moving members returned to military control.

(f) Directorate of Criminal Investigation, Air Force Office of Special Investigations (HQ AFOSI/IVG):

(1) Makes entries in the National Crime Information Center (NCIC).

(2) Inquires into the circumstances of unauthorized absences when asked by commanders to do so.

(g) Airman Separations Branch, HQ Air Force Manpower and Personnel Center (HQ AFMPC/MPCAKE):

(1) Coordinates and disseminates procedures for management of unauthorized absences.

(2) Monitors disposition of absentees returned to military control and gives guidance in unusual cases.

(3) Is the Air Force Deserter Information Point (DIP).

(4) Maintains statistical data concerning unauthorized absences.

(h) Military Pay Division, HQ Air Force Accounting and Finance Center (HQ AFAFC/MP). Establishes procedures to prevent absentees from drawing pay to which they are not entitled.

(i) Base Commanders and Higher Echelon Commanders:

(1) Must stress continually the Air Force position on unauthorized absence and desertion.

(2) Set up management practices and programs to deter absenteeism and desertion.

(3) Undertake local publicity and information efforts about the deserter apprehension program that will serve to deter potential absentees.

(4) Develop programs to ensure retention of the maximum number of those absentees or deserters who have returned to military control and have the potential for continued effective service.

(5) Make agreements with local or area commanders of other services to facilitate the pickup and transportation of absentees or deserters of all Services.

(j) Major Command (MAJCOM) Commanders. They must make sure that Consolidated Base Personnel Offices (CBPOs) and units comply with this part.

Subpart C—Cooperation With Civil Authorities

§ 889.9 Notice to civil authorities.

(a) Within the Jurisdiction of the United States. CBPOs send out DD Forms 553 promptly when a member is administratively classified as a deserter. They send them to the Armed Forces and civil law enforcement agencies that are most apt to be helpful in apprehending the particular absentee. HQ AFMPC/MPCAKE sends notices to the FBI and to the Department of State in certain cases. These include cases where the absentee is known, or thought, to have gone to a foreign country.

(b) Outside the Jurisdiction of the United States. Major commands take action as the local situation may warrant. They must act within the primacy of international agreements to secure cooperation in apprehension of members who are absent without leave (see 889.7).

§ 889.10 Absentees detained by civil authorities.

(a) Absentees and deserters detained temporarily in the hands of US civil authorities must be picked up by military authorities as soon as possible. As a goal, they should be picked up within 48 hours after military authorities are told that US civil authorities will release them. In situations where absentees and deserters are detained temporarily in the hands of foreign authorities, especially individuals detained by foreign authorities other than those of the country of assignment, consultation with the servicing staff judge advocate is required. Civil authorities apprehend and hold absentees as a service to the military departments. They should not be required to help them longer than necessary.

(b) Unless other specific arrangements have been made, when one of the military services picks up absentees or deserters from civil authorities anywhere in CONUS, they pick up all such individuals at the same time. They do this without regard to the military service from which the member is absent. They take the absentees to the nearest military installation that has facilities to process absentees or deserters. If the military service cannot pick up all the absentees or deserters being held, they notify the military service or services of the individuals who remain in custody. This should be done before those who are making the pickup leave the confinement facility.

§ 889.11 Rewards and reimbursement.

(a) Any authorized communication, oral or written, from a military or Federal law enforcement official or agency, requesting active cooperation in the apprehension or delivery to military control of an absentee or deserter wanted by the Air Force constitutes the basis for a reward. After such communication, persons or agencies apprehending, detaining, or delivering absentees, deserters, or escaped military prisoners to military control are rewarded or reimbursed (but not both) as follows:

(1) Payment of a reward of $50 for the apprehension and detention of absentees, deserters, or escaped military prisoners until the military authorities take them under control.

(2) Payment of a reward of $75 for the apprehension and delivery to military control of absentees, deserters, or escaped military prisoners.

(3) When persons or agencies who apprehend or return absentees and deserters to military control may not be paid a reward, reimbursement for reasonable and actual expenses may be made not to exceed $75 for any one case.

(b) Payments authorized by (a) of this section and cost of travel of guards assigned to the absentees or deserters will be charged to the military personnel appropriation of the Air Force. These costs will not be reimbursed by the absentee or deserter. Costs associated with an absentee's or deserter's own transportation for return to military control will be charged to the pay account of the individual member as prescribed in the Joint Travel Regulation, volume I, chapter 5.

§ 889.12 Notice of return to military control.

Civil authorities must be told immediately when an absentee has returned to military control. This is necessary to prevent the apprehension of a person who is no longer a deserter or one who has been discharged. The DD Form 616 is the standard format for this notice within the United States. Other means of notification may be used outside the United States, if they are more appropriate.

Subpart D—Action Regarding National Security

§ 889.13 Action in cases involving security considerations.

This section gives instructions for additional actions that must be taken when a case involves matters that may affect the national security. When an absentee is administratively classified

as a deserter for one of the reasons in 889.3(b) (1), (2), or (3):

(a) The commander:

(1) Immediately notifies HQ USAF/DAI, HQ AFOSI/IVG/IVO and HQ AFMPC/MPCAKE, by message (includes MINIMIZE), with the servicing CBPO and affected MAJCOM or MAJCOMs as information addresses. The message gives:

(i) Information required to prepare a DD Form 553 with the data numbered to correspond to the items on the form.

(ii) The type of classified information to which the absentee had access (COMSEC, CRYPTON, SIOP, SCI, or other).

(iii) Any information that may show whether the absentee has defected or may have compromised classified information.

(iv) Other information the commander deems to be significant.

(2) Refers the case, for investigation, to the AFOSI unit servicing the base of assignment.

(3) Immediately inventories the classified material to which the absentee had access.

(4) Gives the AFOSI, as soon as possible, an assessment of the degree of damage to the national security that could result from unauthorized disclosure of the information.

(b) HQ AFMPC/MPCAKE prepares and sends the DD Form 553 to the FBI as soon as the commander's message ((a)(1) of this section) is received.

(c) HQ AFOSI/IVO works with the FBI to expedite the investigation, find, and apprehend the absentee.

[FR Doc. 80-11060 Filed 4-11-80; 8:45 am]

BILLING CODE 3910-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[FRL 1460-7]

Designation of Areas for Air Quality Planning Purposes: State of Texas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This notice revises the attainment status designations in the State of Texas for areas with respect to ozone (O_3). These two areas are being redesignated from nonattainment to attainment. These revisions are a result of a request from the State in the form of Texas Air Control Board (TACB) Resolution R79-2 which was submitted to the EPA on April 6, 1979.

DATE: Effective April 14, 1980.

FOR FURTHER INFORMATION CONTACT: Jerry M. Stubberfield, Implementation Plan Section, Air and Hazardous Materials Division, Environmental Protection Agency, Region 6, Dallas, Texas 75270 (214) 767-2742.

SUPPLEMENTARY INFORMATION:

Introduction

Section 107(d)(1) of the Clean Air Act required the States to submit to the Administrator a list identifying all air quality control regions, or portions thereof, that have not attained the National Ambient Air Quality Standards (NAAQS). The Act further required that the Administrator promulgates this list with such modifications as he deemed necessary, as required under Section 107(d)(2) of the Act. On March 3, 1978, at 43 FR 9037, the Administrator promulgated nonattainment designations for the State of Texas for total suspended particulates (TSP), ozone (O_3), and carbon monoxide (CO). These designations were effective immediately and public comment was solicited. On September 11, 1978, at 43 FR 40412, in response to comments received, the Administrator revised and amended certain of the original designations. The Act also provided that a State may, from time to time, review and revise its designations list and submit these revisions to the Administrator for promulgation, as specified under Section 107(d)(5). The State of Texas has revised its original designation list and on April 6, 1979, submitted these revisions for TSP and ozone to the EPA in TACB Resolution R79-2. For ozone, EPA has reviewed the revisions and all supporting information, and concurs with the State's redesignation of these areas. The TSP revisions submitted in the same resolution will be addressed in a separate final rulemaking to be published at a later date.

The changes listed by the State and being approved by EPA for ozone are as follows: 1. Travis County from "does not meet primary standards" to "cannot be classified or better than national standards."

2. McLennan County from "does not meet primary standards" to "cannot be classified or better than national standards."

The State revised the designations for these two counties on the basis of promulgated changes to the ozone standard which, among other things, revised the method of determining a violation of the standard. Under the new standard, a violation was determined to have occurred when the expected number of daily maximum ozone values above the level of the standard exceeds one. The State reevaluated the air quality data in light of these changes and determined that for Travis and McLennan Counties, the expected number of exceedances was less than one, which in turn indicates attainment status.

On October 12, 1979 (at FR 58922) EPA published a notice of proposed rulemaking, proposing approval of the redesignations submitted by the State under TACB Resolution R79-2, and soliciting public comment on that proposal. No comments were received.

Current Action

EPA is hereby approving the revisions to the attainment status designations submitted by the State of Texas under TACB Resolution R79-2. As a result of these redesignations, the requirements of Title I, Part D of the Act no longer apply in the redesignated areas. All other Section 107 designations for the State of Texas not discussed in this notice remain intact.

The Travis County redesignation is being made immediately effective in order to lift the growth restrictions applying in nonattainment areas for which SIP revisions required by Part D of the Clean Air Act have not been submitted by the State and approved by EPA. The McLennan County redesignation is being made immediately effective in order to resolve matters under litigation.

The EPA has determined that this document is not a significant regulation and does not require preparation of a regulatory analysis under Executive Order 12044.

(Sections 107(d), 171(2) and 301(a) of the Clean Air Act, as amended, 42 U.S.C. 7407(d), 7501(2) and 7601(a))

Dated: April 8, 1980.

Douglas M. Costle,

Administrator.

Subpart C of Part 81 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

§ 81.344 [Amended]

In § 81.344—Texas, the attainment status designation table for ozone is amended by revising the designations for Travis and McLennan Counties from "does not meet primary standards" to "cannot be classified or better than national standards." The amended portion of the O_x table for § 81.344 reads as set forth below:

Texas—O_x

Designated area	Does not meet primary standard	Cannot be classified or better than national standard
* * * * *		
AQCR 212		×
* * * * *		

[FR Doc. 80-11152 Filed 4-11-80; 8:45 am]
BILLING CODE 6560-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5717

[CA-4985, CA-5204, CA-4668]

California, Public Land Order No. 5712; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This document will correct an error in the land description of Public Land Order No. 5712 of February 11, 1980.

EFFECTIVE DATE: April 14, 1980.

FOR FURTHER INFORMATION CONTACT: Sue Bosma, 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. 5712 of February 11, 1980, as published in 45 FR 11132-11133 of the issue of February 20, 1980, is hereby corrected by changing Lot 24 to Lot 25, Sec. 23, T. 46 N., R. 5 E. The total acreage will not change.

Guy R. Martin,

Assistant Secretary of the Interior.

April 8, 1980.

[FR Doc. 80-11247 Filed 4-11-80; 8:45 am]
BILLING CODE 4310-84-M

43 CFR Public Land Order 5718

[C-23841]

Colorado; Withdrawal of National Forest Lands for the Eisenhower Memorial Tunnel

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order withdraws 1,365 acres, more or less, of land in the Arapaho National Forest from operation of the mining laws for protection of the Eisenhower Memorial Tunnel.

EFFECTIVE DATE: April 14, 1980.

FOR FURTHER INFORMATION CONTACT: Alvah Whitledge, Colorado State Office, 303-837-2825.

By virtue of the authority vested in the Secretary of the Interior by 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:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from entry or location under the mining laws (30 U.S.C. Ch. 2), for protection of public safety and public investment in the Eisenhower Memorial Tunnel on Interstate Highway 70.

Arapaho National Forest

Sixth Principal Meridian

T. 4 S., R. 76 W. (unsurveyed)

Beginning at the summit of a peak of 12,757 feet elevation in Section 19, known locally as Coon Hill, thence northeasterly along the hydrographic crest of the ridge separating Summit and Grand Counties to the hydrographic crest of the Continental Divide. Thence southerly along the hydrographic crest of the Continental Divide to a point of intersection with the boundary of the Loveland Basin Recreation Area which was withdrawn by PLO 1825 of March 26, 1959. Thence southerly and westerly following the boundary of said PLO 1825 to the summit of a peak of 12,701 feet elevation in Section 29. Thence, southwesterly along the hydrographic ridge separating the Straight Creek drainage from the Snake River drainage to the summit of a peak of 12,481 feet elevation in Section 31. Thence, northerly across Straight Creek to the point of beginning, encompassing an area of 1,365 acres, more or less. The intention of this boundary being to withdraw all lands at the head of Straight Creek east of Coon Hill west of the Continental Divide and not presently withdrawn by PLO 1825 for the Loveland Basin. In combination with the Loveland Basin withdrawal this withdrawal will completely surround the I-70 Eisenhower Tunnel, which passes through the Continental Divide.

The area described aggregates approximately 1,365 acres, more or less, in Summit and Clear Creek Counties.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license or permit, or governing the disposal of their mineral or vegetable resources other than under the mining laws.

3. This withdrawal shall remain in effect for a period of twenty years from the date of this order.

Guy R. Martin,

Assistant Secretary of the Interior.

April 8, 1980.

[FR Doc. 80-11248 Filed 4-11-80; 8:45 am]
BILLING CODE 4310-84-M

COMMUNITY SERVICES ADMINISTRATION

45 CFR Part 1050

Uniform Federal Standards on Property Management Standards

AGENCY: Community Services Administration.

ACTION: Correction to final rule.

SUMMARY: The Community Services Administration (CSA) is publishing a correction to the final rule on the Uniform Federal Standards on Property Management (Subpart O), published in the **Federal Register** on Thursday, February 7, 1980 (Vol. 45 page 8299). This action corrects typographical errors in the original document.

FOR FURTHER INFORMATION CONTACT: Mr. E. W. Covington, Community Service Administration, 1200 19th Street NW., Washington, D.C. 20506, telephone (202) 632-6520, teletypewriter (202) 254-6218.

AUTHORITY: Sec. 602, 78 Stat. 530 (42 U.S.C. 2942).

Joe P. Maldonado,

Deputy Assistant Director for Community Action.

The following corrections are being made to the final rule published in the **Federal Register** on February 7, 1980, pp. 8299-8303:

1. On page 8301, column 1, section references in § 1050.130-8(a)(1) (ii) and (iv) are corrected to read as follows:

PART 1050—UNIFORM FEDERAL STANDARDS

Subpart O—Property Management Standards

* * * * *

§ 1050.130-81 Standard—other nonexpendable property.

(a) * * *

(1) * * *

(i) * * *

(ii) The appropriate CSA Property Administrator shall issue disposition instructions to grantees within 120 calendar days after the end of the grant for which it was acquired. If disposition instructions are not issued within the 120 calendar day period, the grantee shall apply the standards of § 1050.130-8 (b) and (c) as appropriate.

(iii) * * *

(iv) When title is transferred either to the Community Services Administration or to a third party, the provisions of § 1050.130-8(c)(2)(B) below should be followed.

* * * * *

(c) *Disposition of other nonexpendable property.* When a grantee no longer needs the property as provided in § 1050.130–8(b), the property may be used for other activities in accordance with the following conditions: * * *

2. On page 8303, column 1, § 1050.130–11(c)(2) the last sentence should read: Surplus property acquired through the state will be accounted for on the grantee's inventory records for CSA property.

[FR Doc. 80–11006 Filed 4–11–80; 8:45 am]

BILLING CODE 6315–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 30

[CGD 79–081a]

Evaluation of Programs for Licensing and Certification of Foreign Tank Vessel Personnel

AGENCY: Coast Guard, DOT.

ACTION: Correction to interim final rules.

SUMMARY: In FR Docket 80–10444 appearing at page 23425 of the April 7, 1980 issue, both the *Effective Date* and the *Comment Closing Date* are incorrect. The dates appearing on this page should be corrected to reflect an *Effective Date* of March 31, 1980 and a *Comment Closing Date* of August 7, 1980.

FOR FURTHER INFORMATION CONTACT: LCDR Daniel E. Struck, c/o Commandant (G–MVP/14), U.S. Coast Guard, Washington, D.C. 20593, Telephone (202) 426–6259.

Henry H. Bell,

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

April 9, 1980.

[FR Doc. 80–11198 Filed 4–11–80; 8:45 am]

BILLING CODE 4910–14–M

Office of the Secretary

49 CFR Part 71

[OST Docket No. 9; Amdt. 71–16]

Standard Time Zone Boundary in the State of Alaska; Conforming Amendment

AGENCY: Department of Transportation.

ACTION: Final rule.

SUMMARY: This document amends the Regulations of the Secretary of Transportation to clarify the boundary that exists between the Yukon and Pacific Time Zones in the State of Alaska.

EFFECTIVE DATE: 2:00 a.m. PST Sunday, April 27, 1980.

FOR FURTHER INFORMATION CONTACT: Jack Lusk, Office of the General Counsel, Department of Transportation, 400 Seventh Street, S.W., Room 10421, Washington, D.C. 20590, (202) 426–4723.

SUPPLEMENTARY INFORMATION: On September 27, 1979 in an amendment to 49 CFR Part 71, the Department announced that it was relocating the boundary between the Pacific and Yukon Time Zones in the State of Alaska so as to move Juneau, Alaska, and a portion of the surrounding area from the Pacific to the Yukon Zone, effective April 27, 1980 (44 FR 55575).

In the September 27 document, the Department did not make necessary conforming changes in companion sections in Part 71. It is the purpose of this document to make those conforming amendments by (1) redesignating § 71.11(b) as a new § 71.10a, (2) redesignating § 71.11(a) as a new § 71.11, and (3) amending § 71.10 and revising the remaining portion of § 71.11 to reflect the new boundaries set forth in § 71.10a.

Since this amendment merely makes editorial corrections to a previously published amendment, notice and public comment procedures hereon are unnecessary and good cause exists for making the amendment effective in fewer than 30 days after publication in the **Federal Register.**

In consideration of the foregoing, § 71.11(b) is redesignated as a new § 71.10a and § 71.11(a) is redesignated as new § 71.11 of Title 49 of the Code of Federal Regulations; and §§ 71.10 and 71.11 of Title 49 are revised, effective 2:00 am PST April 27, 1980, to read as appears below.

(Act of March 19, 1918, as amended by the Uniform Time Act of 1966 (15 U.S.C. 260–267); Section 6(e)(5), Department of Transportation Act (49 U.S.C. 1655(e)(5)); § 1.56(1) of the Regulations of the Office of the Secretary of Transportation (49 CFR 1.56(1)).

Issued in Washington, D.C. on April 8, 1980.

Mark Aron,

Deputy General Counsel.

§ 71.10 Pacific zone.

The fifth zone, the Pacific standard time zone, includes that part of the United States that is west of the boundary line between the Mountain and Pacific standard time zones described in § 71.9 and east of the boundary line between the Pacific and Yukon standard time zones described in § 71.10a.

§ 71.10a Boundary line between Yukon and Pacific zones.

Alaska. Beginning at Boundary Peak No. 74 on the Alaska/Canadian borderline; thence running westerly on a straight line to the head of Endicott Arm; thence northwesterly, along the southerly and southwesterly edge of Endicott Arm to Point Astley; thence southwesterly along the east edge of Stevens Passage to Point League; thence southwesterly across Stevens Passage to Point Hugh on the south end of Glass Peninsula on Admiralty Island; thence northerly along the east edge of Seymour Canal to 57°37′ north latitude; thence west on 57°37′ north latitude to the west edge of Seymour Canal; thence northwesterly across Admiralty Island to Fishery Point, being on the easterly edge of Chatham Strait; thence westerly to East Point on Chichag of Island; thence northwesterly approximately 11 miles, to a mountain with an elevation of 2,775 feet; thence northwesterly approximately 8 miles to a mountain with an elevation of 3,408 feet; thence northwesterly approximately 2.5 miles, to a mountain with an elevation of 3,030 feet; thence northwesterly approximately 4.5 miles, to a mountain with an elevation of 3,430 feet, all of said mountains being on Chichagof Island; thence due south to the northerly edge of Tenakee Inlet; thence northwesterly, along the northerly edge of said inlet to the head of said inlet; thence northwesterly approximately 2 miles to a mountain with an elevation of 3,253 feet; thence westerly approximately 6 miles to Pyramid Peak; thence westerly to Crag Mountain; thence northwesterly to Mount Althorp; thence northwesterly to Column Point located on the northeast side of Althorp Peninsula; thence due west from Column Point until an intersection is reached with 137°W. longitude.

§ 71.11 Yukon zone.

The sixth zone, the Yukon standard time zone, includes that part of the United States that is west of the boundary line between the Pacific and Yukon standard time zones described in § 71.10a and east of 141°W. Longitude.

[FR Doc. 80–11009 Filed 4–11–80; 8:45 am]

BILLING CODE 4910–62–M

DEPARTMENT OF INTERIOR

Fish and Wildlife Service

50 CFR Part 21

Migratory Bird Permits; States Meeting Federal Falconry Standards

AGENCY: Fish and Wildlife Service.

ACTION: Final rule.

SUMMARY: The Service adds North Carolina to the list of States where falconry laws have been determined by the Director to meet or exceed the minimum Federal standards. Falconry may be practiced in the States listed in 50 CFR 21.29.

EFFECTIVE DATE: April 14, 1980.

FOR FURTHER INFORMATION CONTACT: John E. Cross, Special Agent in Charge, Branch of Investigations, Division of Law Enforcement, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240, telephone 202–343–9242.

SUPPLEMENTARY INFORMATION: Regulations in 50 CFR 21 provide for the review and approval of State falconry laws by the Service. Included in that section is a list (§ 21.29(k)) of those States whose laws have been approved, and in which falconry is permitted pursuant to a system of joint Federal-State permits.

As provided by § 21.29(c), the Director has reviewed a certified copy of the falconry regulations of the State of North Carolina [Regulations 15 NCAC 10B.0216 and 15 NCAC 10H.0800(.0801–.0812)]. The regulations meet or exceed the minimum restrictions, conditions and requirements contained in 50 CFR 21.29(d) through 50 CFR 21.29(i) pursuant to permit requirements, classes of permits, examination procedures, facilities and equipment standards, raptor marking and raptor taking restrictions. The North Carolina regulations also meet or exceed all restrictions or conditions found in 50 CFR 21.29(j).

The Director has determined, based on the review, that the regulations of the State of North Carolina meet or exceed the Federal standards. Upon publication of this amended § 21.29(k) in the **Federal Register**, the practice of falconry in North Carolina shall be governed by 50 CFR 21.28 and 21.29.

The primary author of this document is Margaret Cash, Regulations Coordinator, Division of Law Enforcement, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

§ 21.29 [Amended]

Accordingly, § 21.29(k) of Part 21 of Chapter I, Title 50 of the Code of Federal Regulations, is amended by adding North Carolina, alphabetically and preceded by an asterisk, to the list of States.

Note.—The Department has determined that this document is not a significant rule and does not require regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

Dated: April 7, 1980.

Lynn A. Greenwalt,

Director, Fish and Wildlife Service.

[FR Doc. 80–11039 Filed 4–11–80; 8:45 am]

BILLING CODE 4310–55–M

Proposed Rules

Federal Register
Vol. 45, No. 73
Monday, April 14, 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.

COST ACCOUNTING STANDARDS BOARD

4 CFR Part 418

Promulgation of Standard; Public Meeting

AGENCY: Cost Accounting Standards Board.

ACTION: Notice of public meeting.

SUMMARY: This notice is issued in furtherance of the decision of the Cost Accounting Standards Board to invite the public to observe meetings at which the Board considers the merits of Standards, rules and regulations, including modifications, which are proposed for final promulgation. The Board will consider a proposal to promulgate a Cost Accounting Standard on "Allocation of Direct and Indirect Costs." The Standard to be considered is based on three proposed Standards, Part 417—Distinguishing Between Direct and Indirect Costs, Part 418—Allocation of Indirect Cost Pools, Part 419—Allocation of Overhead Costs of Productive Functions and Activities, published for comment in the **Federal Register** on July 23, 1979, (44 FR 42988) and on the response to that publication. The meeting will be open to the public.

DATE: 2:00 p.m., April 30, 1980.

ADDRESS: General Accounting Office, Room 7315, 441 G Street, NW, Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Nelson H. Shapiro, Executive Secretary 202—275–6111.

Nelson H. Shapiro,
Executive Secretary.

[FR Doc. 80–11125 Filed 4–11–80; 8:45 am]

BILLING CODE 1620–01–M

FEDERAL LABOR RELATIONS AUTHORITY, GENERAL COUNSEL OF THE FEDERAL LABOR RELATIONS AUTHORITY, AND FEDERAL SERVICE IMPASSES PANEL

5 CFR Part 2424

Expedited Review of Negotiability Issues

AGENCY: Federal Labor Relations Authority, General Counsel of the Federal Labor Relations Authority, and Federal Service Impasses Panel.

ACTION: Proposed amendment of rules and regulations.

SUMMARY: This proposed amendment would expressly provide for the issuance of orders and for the taking of compliance actions by the Authority in negotiability dispute cases filed under section 7117 of the Federal Service Labor-Management Relations Statute (5 U.S.C. 7117).

COMMENT DATE: Written comments will be considered if received no later than May 30, 1980.

ADDRESS: Send written comments to Samuel A. Chaitovitz, Executive Director, Federal Labor Relations Authority, 1900 E Street, NW., Washington, D.C. 20424.

FOR FURTHER INFORMATION CONTACT: Samuel A. Chaitovitz, Executive Director, (202) 254–9595.

SUPPEMENTARY INFORMATION: Effective January 28, 1980, the Authority, General Counsel and Panel published at 45 FR 3482, final rules and regulations principally to govern the processing of cases by the Authority, General Counsel and Panel under chapter 71 of title 5 of the United States Code. The issuance of these rules and regulations is authorized by 5 U.S.C. 7134.

Subpart A of Part 2424 of the final rules and regulations (45 FR 3511) establishes the procedures for the expedited processing of negotiability dispute cases; that is, cases in which an agency involved in collective bargaining with an exclusive representative alleges that the duty to bargain in good faith does not extend to a matter proposed to be bargained, and the exclusive representative appeals to the Authority from this allegation of the agency, as prescribed in 5 U.S.C. 7117(b) and (c).

Section 2424.10 of Subpart A of Part 2424 (45 FR 3513) provides that the Authority shall expedite such negotiability proceedings, and that, at the earliest practicable date, the Authority shall issue a written decision on the allegation of the agency. Since the adoption of these rules and regulations, and particularly § 2424.10 thereof, questions have been raised by agencies and labor organizations relating to the nature of the obligations of the parties under negotiability decisions issued by the Authority.

In conformity with the powers and duties of the Authority under 5 U.S.C. 7105(a)(2)(D), (E) and (I), and implementive of 5 U.S.C. 7117(b) and (c), the Authority proposes to amplify § 2424.10 by expressly providing therein that the decision in a negotiability case shall include an order. In those cases where the order directs that the agency shall upon request bargain concerning the matter in dispute, the proposed rules and regulations further provide appropriate compliance procedures limited solely to the negotiability dispute presented.

Accordingly, it is proposed to amend § 2424.10 of Subpart A of Part 2424 of the rules and regulations, by revising the section heading, designating the existing text as paragraph (a), and adding new paragraphs (b) and (c). As so amended, it is proposed that § 2424.10 read as follows:

PART 2424—EXPEDITED REVIEW OF NEGOTIABILITY ISSUES

Subpart A—Instituting an Appeal

§ 2424.10 Authority decision and order; compliance.

(a) Subject to the requirements of this subpart the Authority shall expedite proceedings under this part to the extent practicable and shall issue to the exclusive representative and to the agency a written decision on the allegation and specific reasons therefor at the earliest practicable date.

(b) If the Authority finds that the duty to bargain extends to the matter proposed to be bargained, the decision of the Authority shall include an order that the agency shall upon request bargain concerning such matter. If the Authority finds that the duty to bargain does not extend to the matter proposed to be negotiated, the Authority shall so

state and issue an order dismissing the petition for review of the negotiability issue. If the Authority finds that the duty to bargain extends to the matter proposed to be bargained only at the election of the agency, the Authority shall so state and issue an order dismissing the petition for review of the negotiability issue.

(c) When an order is issued as provided in paragraph (b) of this section, the agency or exclusive representative shall report to the appropriate Regional Director within a specified period failure to comply with an order that the agency shall upon request bargain concerning the disputed matter. If the Authority finds such a failure to comply with its order, the Authority shall take whatever action it deems necessary, including enforcement under 5 U.S.C. 7123(b). (5 U.S.C. 7134.)

Federal Labor Relations Authority.

Dated: April 9, 1980.

Ronald W. Haughton,

Chairman.

Henry B. Frazier III,

Member.

Leon B. Applewhaite,

Member.

S. Jesse Reuben

Deputy General Counsel.

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DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 415

Proposed Forage Production Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation.

ACTION: Proposed rule.

SUMMARY: This proposed rule prescribes procedures for insuring forage in the production stage effective with the 1981 crop year. This rule is a revision of the previous regulations for insuring forage production to include several changes and to reissue the regulations in a clearer, shorter, and more simplified document. This proposed rule is promulgated under the authority of the Federal Crop Insurance Act, as amended.

DATE: Written comments, data, and opinions must be submitted not later than June 13, 1980, to be sure of consideration.

ADDRESS: Written comments on this proposed rule should be sent to James D. Deal, Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, telephone 202-447-3325.

The Draft Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available on request from the above-named individual.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1955 to implement Executive Order No. 12044, and has been classified as "not significant".

Under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation (FCIC) proposes to revise and reissue the Forage Production Crop Insurance Regulations (7 CFR Part 415) as published in the **Federal Register** at 43 F.R. 38682 (Wednesday, August 30, 1978), effective with the 1981 crop year.

In addition to shortening and simplifying the regulations, the proposed 7 CFR Part 415 provides (1) for a premium adjustment table that provides for up to 50 percent premium discount for good insuring experience and premium increases for unfavorable insuring experience, which replaces the present premium discount system, (2) that any premium not paid by the termination date will be increased by a 9 percent charge, with a 9 percent simple interest applying to any unpaid balance at the end of each subsequent 12-month period thereafter, (3) that the termination date for nonpayment of premium will be October 10, (4) that insurance on insured acreage with an established stand shall attach on October 16 except for acreage seeded in the spring, in which case, insurance shall not attach the first year until May 22 following the year of seeding, (5) for three coverage level options in each county, and (6) that the actuarial table will provide the level which will be applicable to contracts unless a different level is elected by the insureds. The conversion level will be the one closest to the percent level in each county, which means it can vary by counties.

In addition, § 415.5 of the proposed Forage Production Crop Insurance Regulations, titled "Good Faith Reliance on Misrepresentation," increases the limitation from $5,000 to $20,000 in those cases involving good faith reliance on misrepresentation wherein the Manager of the Corporation (FCIC) is authorized to take action to grant relief.

All previous regulations applicable to insuring forage crops at the production stage as found in 7 CFR Part 415 will not be applicable to the 1981 and succeeding forage production crops but will remain in effect for Federal Crop Insurance Corporation forage production insurance policies issued for the crop years prior to 1981.

All written submissions made pursuant to this notice will be available for public inspection in the office of the Manager during regular business hours, 8:15 a.m. to 4:45 p.m., Monday through Friday.

Proposed Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation proposes to revise and reissue the Forage Production Crop Insurance Regulations effective for the 1981 and succeeding crop years, which shall remain in effect until amended or superseded, to read as follows:

PART 415—FORAGE PRODUCTION CROP INSURANCE

Subpart—Regulations for the 1981 and Succeeding Crop Years

Sec.

415.1 Availability of Forage Production Insurance.
415.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.
415.3 Public notice of indemnities paid.
415.4 Creditors.
415.5 Good faith reliance on misrepresentation.
415.6 The contract.
415.7 The application and policy.

Authority: Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended (7 U.S.C. 1506, 1516).

§ 415.1 Availability of forage production insurance.

Insurance shall be offered under the provisions of this subpart on forage production in counties within limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from those approved by the Board of Directors of the Corporation. Before insurance is offered in any county, there shall be published by appendix to this part the names of the counties in which forage production insurance will be offered.

§ 415.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.

(a) The Manager shall establish premium rates, production guarantees,

coverage levels, and prices at which indemnities shall be computed for forage which shall be shown on the county actuarial table on file in the office for the county and may be changed from year to year.

(b) At the time the application for insurance is made, the applicant shall elect a coverage level and price at which indemnities shall be computed from among those levels and prices shown on the actuarial table for the crop year.

§ 415.3 Public notice of indemnities paid.

The Corporation shall provide for posting annually in each county at each county courthouse a listing of the indemnities paid in the county.

§ 415.4 Creditors.

An interest of a person in an insured crop existing by virtues of a lien, mortgage, garnishment, levy, execution, bankruptcy, or an involuntary transfer shall not entitle the holder of the interest to any benefit under the contract except as provided in the policy.

§ 415.5 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the forage production insurance contract, whenever (a) an insured person under a contract of crop insurance entered into under these regulations, as a result of a misrepresentation or other erroneous action or advice by an agent or employee of the Corporation, (1) is indebted to the Corporation for additional premiums, or (2) has suffered a loss to a crop which is not insured or for which the insured person is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which the insured person believed to be insured, or believed the terms of the insurance contract to have been complied with or waived, and (b) the Board of Directors of the Corporation, or the Manager in cases involving not more than $20,000, finds (1) that an agent or employee of the Corporation did in fact make such misrepresentation or take other erroneous action or give erroneous advice, (2) that said insured person relied thereon in good faith, and (3) that to require the payment of the additional premiums or to deny such insured's entitlement to the indemnity would not be fair and equitable, such insured person shall be granted relief the same as if otherwise entitled thereto.

§ 415.6 The contract.

The insurance contract shall become effective upon the acceptance by the Corporation of a duly executed application for insurance on a form prescribed by the Corporation. Such acceptance shall be effective upon the date the notice of acceptance is mailed to the applicant. The contract shall cover the forage production crop as provided in the policy. The contract shall consist of the application, the policy, the attached appendix, and the provisions of the county actuarial table. Any changes made in the contract shall not affect its continuity from year to year. Copies of forms referred to in the contract are available at the office for the county.

§ 415.7 The application and policy.

(a) Application for insurance on a form prescribed by the Corporation may be made by any person to cover such person's insurable share in the forage crop as landlord, owner-operator, or tenant. The application shall be submitted to the Corporation at the office for the county on or before the applicable closing date on file in the office for the county.

(b) The Corporation reserves the right to discontinue the acceptance of applications in any county upon its determination that the insurance risk involved is excessive, and also, for the same reason, to reject any individual application. The Manager of the Corporation is authorized in any crop year to extend the closing date for submitting applications or contract changes in any county, by placing the extended date on file in the office for the county and publishing a notice in the **Federal Register** upon the Manager's determination that no adverse selectivity will result during the period of such extension: *Provided, however,* That if adverse conditions should develop during such period, the Corporation will immediately discontinue the acceptance of applications.

(c) In accordance with the provisions governing changes in the contract contained in policies issued under FCIC regulations for the 1979 and succeeding crop years, a contract in the form provided for under this subpart will come into effect as a continuation of a forage production contract issued under such prior regulations, without the filing of a new application.

(d) The provisions of the application and Forage Production Insurance Policy for the 1981 and succeeding crop years, and the Appendix to the Forage Production Insurance Policy are as follows:

U.S. Department of Agriculture, Federal Crop Insurance Corporation

Application for 19— and Succeeding Crop Years, Forage Production—Crop Insurance Contract

(Contract number)

(Identification number)

(Name and address) (Zip code)

(County) (State)

Type of entity

Applicant is over 18 Yes— No—

A. The applicant, subject to the provisions of the regulations of the Federal Crop Insurance Corporation (herein called "Corporation"), hereby applies to the Corporation for insurance on the applicant's share in the forage production on insurable acreage as shown on the county actuarial table for the above-stated county. The applicant elects from the actuarial table the coverage level and price at which indemnities shall be computed. The premium rates and production guarantees shall be those shown on the applicable county actuarial table filed in the office for the county for each crop year.

Level Election

Price Election

Example: For the 19— Crop Year Only (100 Percent Share)

Location/ Farm No.	Guarantee per acre*	Premium per acre**	Practice

*Your guarantee will be on a unit basis (acres x per acre guarantee x share).

**Your premium is subject to adjustment in accordance with section 5(c) of the policy.

B. When notice of acceptance of this application is mailed to the applicant by the corporation, the contract shall be in effect for the crop year specified above, unless the time for submitting applications has passed at the time this application is filed, and shall continue for each succeeding crop year until cancelled or terminated as provided in the contract. This accepted application, the following forage production insurance policy, the attached appendix, and the provisions of the county actuarial table showing the production guarantees, coverage levels, premium rates, prices for computing indemnities, and insurable and uninsurable acreage shall constitute the contract. Additional information regarding contract provisions can be found in the county regulations folder on file in the office for the county. No term or condition of the contract shall be waived or changed except in writing by the Corporation.

(Code No./Witness to signature)

(Signature of Application)

———, 19—

(Date)

Address of office for county:

Phone

Location of farm headquarters:

Phone

Forage Production Crop Insurance Policy

Terms and Conditions

Subject to the provisions in the attached appendix:

1. Causes of loss. (a) Causes of loss insured against. The insurance provided is against unavoidable loss of production resulting from adverse weather conditions, insects, plant disease, wildlife, earthquake or fire occurring within the insurance period, subject to any exceptions, exclusions or limitations with respect to causes of loss shown on the actuarial table.

(b) Causes of loss not insured against. The contract shall not cover any loss of production, as determined by the Corporation, due to (1) the neglect or malfeasance of the insured, any member of the insured's household, the insured's tenants or employees, (2) failure to follow recognized good farming practices, (3) damage resulting from the backing up of water by any governmental or public utilities dam or reservoir project, or (4) any cause not specified as an insured cause in this policy as limited by the actuarial table.

2. Crop and acreage insured. (a) The crop insured shall be forage which is intended for harvest as livestock feed and which is grown on insured acreage and for which the actuarial table shows a guarantee and premium rate per acre.

(b) The acreage insured for each crop year shall be that acreage of forage grown on insurable acreage as shown on the actuarial table, and the insured's share therein as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect: *Provided*, That insurance shall not attach or be considered to have attached, as determined by the Corporation, to any acreage (1) where premium rates are established by farming practices on the actuarial table, and the farming practices carried out on any acreage are not among those for which a premium rate has been established, (2) not reported for insurance as provided in section 3 if such acreage is irrigated and an irrigated practice is not provided for such acreage on the actuarial table, (3) where forage ground cover is less than 75 percent at the beginning of the insurance period as determined by the Corporation, (4) which has reached the fourth and subsequent crop years after the year of establishment for alfalfa or the sixth and subsequent crop years after the year of establishment for alfalfa-grass mixtures, unless otherwise approved by the Corporation, (5) seeded to a type, variety or mixture not established as adapted to the area or shown as noninsurable on the actuarial table, (6) seeded with another crop, except as otherwise provided herein, or (7) grown for experimental purposes.

3. Responsibility of insured to report acreage and share. The insured shall submit to the Corporation on a form prescribed by the Corporation, a report showing (a) all acreage of insurable types of forage grown in the county (including a designation of any acreage to which insurance does not attach) in which the insured has a share and (b) the insured's share therein at the time insurance attaches. Such report shall be submitted each year not later than the acreage reporting date on file in the office for the county.

4. Production guarantees, coverage levels, and prices for computing indemnities. (a) For each crop year of the contract, the production guarantees, coverage levels, and prices at which indemnities shall be computed shall be those shown on the actuarial table.

(b) The production guarantee per acre shall be reduced 20 percent for any unharvested acreage.

5. Annual premium. (a) The annual premium is earned and payable at the time insurance attaches and the amount thereof shall be determined by multiplying the insured acreage times the applicable premium per acre, times the insured's share at the time insurance attaches, times the applicable premium adjustment percentage in subsection (c) of this section.

(b) For premium adjustment purposes, only the years during which premiums were earned shall be considered.

(c) The premium shall be adjusted as shown in the following table:

Percentage Adjustments for Favorable Continuous Insurance Experience

Loss ratio [1] through previous crop year	Number of years of continuous experience through previous year															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15 or more
	Percentage adjustment factor for current crop year															
.00–.20	100	95	95	90	90	85	80	75	70	70	65	65	60	60	55	50
.21–.40	100	100	95	95	90	90	90	85	80	80	75	75	70	70	65	60
.41–.60	100	100	95	95	95	95	95	90	90	90	85	85	80	80	75	70
.61–.80	100	100	95	95	95	95	95	95	90	90	90	90	85	85	85	80
.81–1.09	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

Percentage Adjustments for Unfavorable Insurance Experience

Loss ratio [1] through previous crop year [2]	Number of loss years through previous year															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	Percentage adjustment factor for current crop year															
1.10–1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124	126
1.20–1.39	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148	152
1.40–1.69	100	100	100	108	116	124	132	140	148	156	164	172	180	188	196	204
1.70–1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00–2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248	260
2.50–3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288
3.25–3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300
4.00–4.99	100	100	110	128	148	164	182	200	218	236	254	272	290	300	300	300
5.00–5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00–Up	100	100	120	136	158	180	202	224	246	268	290	300	300	300	300	300

[1] Loss Ratio means the ratio of indemnity(ies) paid to premium(s) earned.

[2] Only the most recent 15 crop years will be used to determine the number of "Loss Years". (A crop year is determined to be a "Loss Year" when the amount of indemnity for the year exceeds the premium for the year).

(d) Any amount of premium for an insured crop which is unpaid on the day following the termination date for indebtedness for such crop shall be increased by a 9 percent service fee, which increased amount shall be the premium balance, and thereafter, at the end of each 12-month period, 9 percent simple interest ahall attach to any amount of the premium balance which is unpaid: *Provided,* When notice of loss has been timely filed by the insured as provided in section 7 of this policy, the service fee will not be charged and the contract will remain in force if the premium is paid in full within 30 days after the date of approval or denial of the claim for indemnity; *however,* if any premium remains unpaid after such date, the contract will terminate and the amount of premium outstanding shall be increased by a 9 percent service fee, which increased amount shall be the premium balance. If such premium balance is not paid within 12 months immediately following the termination date, 9 percent simple interest shall apply from the termination date and each year thereafter to any unpaid premium balance.

(e) Any unpaid amount due the Corporation may be deducted from any indemnity payable to the insured by the Corporation or from any loan or payment to the insured under any Act of Congress or program administered by the U.S. Department of Agriculture, when not prohibited by law.

6. Insurance period. Insurance on insured acreage with an established stand shall attach on October 16 except for acreage seeded in the spring in which case insurance will not attach the first year until May 22 following the year of seeding. Insurance shall cease on the earliest of (a) final adjustment of a loss, (b) total destruction of the insured forage crop, (c) removal of the forage from the windrow or field following final harvest, or (d) October 15 of the crop year.

7. Notice of damage or loss. (a) Any notice of damage or loss shall be given promptly in writing by the insured to the Corporation at the office for the county.

(b) Notice shall be given promptly if (1) during the period before harvest, the forage on any unit is damaged to the extent that the insured does not expect to further care for the crop or harvest any part of it, (2) a loss occurs on any harvested acres before forage is removed from the windrow or the field, or (3) the insured wants the consent of the Corporation to put the acreage to another use. No insured acreage shall be put to another use until the Corporation has made an appraisal of the potential production of such acreage and consents in writing to such other use. Notice shall also be given when such acreage has been put to another use.

(c) In addition to the notices required in subsection (b) of this section, if an indemnity is to be claimed on any unit, the insured shall give written notice thereof to the Corporation at the office for the county not late than 30 days after the earliest of (1) the date harvest is completed on the unit, (2) the calendar date for the end of the insurance period, (3) the date the entire forage crop on the unit is destroyed, as determined by the Corporation. The Corporation reserves the right to provide additional time if it determines there are extenuating circumstances.

(d) Any insured acreage which is not to be harvested and upon which an indemnity is to be claimed shall be left intact until inspected by the Corporation.

(e) The Corporation may reject any claim for indemnity if any of the requirements of this section are not met.

8. Claim for Indemnity. (a) It shall be a condition precedent to the payment of any indemnity that the insured (1) establish the total production of forage on the unit and that any loss of production was directly caused by one or more of the insured causes during the insurance period for the crop year for which the indemnity is claimed and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(b) Indemnities shall be determined separately for each unit. The amount of indemnity for any unit shall be determined by (1) multiplying the insured acreage of forage on the unit by the applicable production guarantee per acre, which product shall be the production guarantee for the unit, (2) subtracting therefrom the total production of forage to be counted for the unit, (3) multiplying the remainder by the applicable price for completing indemnities, and (4) multiplying the result obtained in step (3) by the insured share: *Provided,* That if the premium computed on the insured acreage and share is more than the premium computed on the reported acreage and share, the amount of indemnity shall be computed on the insured acreage and share and then reduced proportionately.

(c) The total production to be counted for a unit shall be determined by the Corporation and shall include all harvested and appraised production.

(1) Any harvested production from volunteer plants growing with the forage crop shall be counted as forage on a weight basis.

(2) Appraised production to be counted shall include: (i) the greater of the appraised production or 50 percent of the applicable guarantee for any acreage which, with the consent of the Corporation, is seeded to any crop, including forage, insurable on such acreage (excluding small grains normally maturing for harvest in the following crop year), (ii) any appraisals by the Corporation for potential production on harvested acreage and for uninsured causes and poor farming practices, (iii) not less than the applicable guarantee for any acreage which is abandoned or put to another use without prior written consent of the Corporation or damaged solely by an uninsured cause, and (iv) only the appraisal in excess of 20 percent of the production guarantee for all other unharvested acreage.

(d) Notwithstanding the provisions of subsection (b) of this section, when forage is harvested as other than air-dry hay, the production to be counted shall be adjusted to the equivalent of air-dry hay, as determined by the Corporation.

(e) The appraised potential production for acreage for which consent has been given to be put to another use shall be counted as production in determining the amount of loss under the contract. *However,* if consent is given to put acreage to another use and the Corporation determines that any such acreage (1) is not put to another use before harvest of forage becomes general in the county, (2) is harvested, or (3) is further damaged by an insured cause before the acreage is put to another use, the indemnity for the unit shall be determined without regard to such appraisal and consent.

9. Misrepresentation and fraud. The Corporation may void the contract without affecting the insured's liability for premiums or waiving any right, including the right to collect any unpaid premiums if, at any time, the insured has concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance shall be effective as of the beginning of the crop year with respect to which such act or omission occurred.

10. Transfer of insured share. If the insured transfers any part of the insured share during the crop year, protection will continue to be provided according to the provisions of the contract to the transferee for such crop year on the transferred share, and the transferee shall have the same rights and responsibilities under the contract as the original insured for the current crop year. Any transfer shall be made on an approved form.

11. Records and access to farm. The insured shall keep or cause to be kept for two years after the time of loss, records of the harvesting, storage, shipments, sale or other disposition of all forage produced on each unit including separate records showing the same information for production from any uninsured acreage. Any persons designated by the Corporation shall have access to such records and the farm for purposes related to the contract.

12. Life of contract: Cancellation and termintion. (a) the contract shall be in effect for the crop year specified on the application and may not be canceled for such crop year. Thereafter, either party may cancel the insurance for any crop year by giving a signed notice to the other on or before the cancellation date preceding such crop year.

(b) Except as provided in section 5(d) of this policy, the contract will terminate as to any crop year if any amount due the Corporation under this contract is not paid on or before the termination date for indebtedness preceding such crop year: *Provided,* That the date of payment for premium (1) if deducted from an indemnity claim shall be the date the insured signs such claim or (2) if deducted from payment under another program administered by the U.S. Department of Agriculture shall be the date such payment was approved.

(c) Following are the cancellation and termination dates:

State and County	Cancellation date	Termination date for indebtedness
All states	Sept. 15	Oct. 10.

(d) In the absence of a notice from the insured to cancel, and subject to the provisions of subsections (a), (b), and (c) of

this section, and section 7 of the Appendix, the contract shall continue in force for each succeeding crop year.

Appendix

(Additional Terms and Conditions)

1. Meaning of Terms. For the purposes of forage production crop insurance:

(a) "Actuarial table" means the forms and related material for the crop year approved by the Corporation which are on file for public inspection in the office for the county, and which show the production guarantees, coverage levels, premium rates, prices for computing indemnities, insurable and uninsurable acreage, and related information regarding forage production insurance in the county.

(b) "Alfalfa" means a pure stand of alfalfa or a stand of alfalfa and any other forage in which 60 percent or more of the ground cover is alfalfa.

(c) "Alfalfa-grass mixtures" means a mixed stand of alfalfa and grass or other forage in which alfalfa comprises more than 25 percent but less than 60 percent of the ground cover.

(d) "County" means the county shown on the application and any additional land located in a local producing area bordering on the county, as shown on the acturial table.

(e) "Crop year" means the period from the date insurance attaches until harvest is normally completed and shall be designated by the calendar year in which the forage crop is normally harvested.

(f) "Established stand" means having at least 75 percent of the stand which is considered by the Corporation as normal.

(g) "Harvest" means the severance of the forage plant from the land for the purpose of livestock feed.

(h) "Insurable acreage" means the land classified as insurable by the Corporation and shown as such on the county actuarial table.

(i) "Insured" means the person who submitted the application accepted by the Corporation.

(j) "Office for the county" means the Corporation's office serving the county shown on the application for insurance or such office as may be designated by the Corporation.

(k) "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(l) "Share" means the interest of the insured as land-lord, owner-operator, or tenant in the insured forage crop at the time insurance attaches as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect, and no other share shall be deemed to be insured: *Provided,* That for the purpose of determining the amount of indemnity, the insured share shall not exceed the insured's share at the earliest of (1) the date of beginning of harvest on the unit, (2) the calendar date for the end of the insurance period, or (3) the date the entire crop on the unit is destroyed, as determined by the Corporation.

(m) "Tenant" means a person who rents land from another person for a share of the forage crop or proceeds therefrom.

(n) "Unit" means all insurable acreage of forage in the county on the date insurance attaches for the crop year (1) in which the insured has a 100 percent share, or (2) which is owned by one entity and operated by another entity on a share basis. Land rented for cash, a fixed commodity payment, or any consideration other than a share in the forage crop on such land shall be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in the office for the county or by written agreement between the Corporation and the insured. The Corporation shall determine units as herein defined when adjusting a loss, notwithstanding what is shown on the acreage report, and has the right to consider any acreage and share reported by or for the insured's spouse or child or any member of the insured's household to be the bona fide share of the insured or any other person having the bona fide share.

(o) "Year of establishment" for spring-seeded forage means the calendar year in which the forage is seeded, and for fall-seeded forage means the calendar year immediately following the year in which the forage is seeded.

2. Acreage insured. (a) The Corporation reserves the right to limit the insured acreage of forage to any acreage limitations established under any Act of Congress, provided the insured is so notified in writing prior to the time insurance attaches.

(b) If the insured does not submit an acreage report on or before the acreage reporting date on file in the office for the county, the Corporation may elect to determine by units the insured acreage and share or declare the insured acreage on any unit(s) to be "zero". If the insured does not have a share in any insured acreage in the county for any year, the insured shall submit a report so indicating. Any acreage report submitted by the insured may be revised only upon approval of the Corporation.

3. Irrigated acreage. (a) Where the actuarial table provides for insurance on an irrigated practice, the insured shall report as irrigated only the acreage for which the insured has adequate facilities and water to carry out a good irrigation practice at the time insurance attaches.

(b) Where irrigated acreage is insurable, any loss of production caused by failure to carry out a good irrigation practice, except failure of the water supply from an unavoidable cause occurring after insurance attaches, as determined by the Corporation, shall be considered as due to an uninsured cause. The failure or breakdown of irrigation equipment or facilities shall not be considered as a failure of the water supply from an unavoidable cause.

4. Annual Premium. (a) If there is no break in the continuity of participation, any premium adjustment applicable under section 5 of the policy shall be transferred to (1) the contract of the insured's estate or surviving spouse in case of death of the insured, (2) the contract of the person who succeeds the insured if such person had previously participated in the farming operation, or (3) the contract of the same insured who stops farming in one county and starts farming in another county.

(b) If there is a break in the continuity of participation, any reduction in premium earned under section 5 of the policy shall not thereafter apply; *however,* any previous unfavorable insurance experience shall be considered in premium computation following a break in continuity.

5. Claim for and payment of indemnity. (a) Any claim for indemnity on a unit shall be submitted to the Corporation on a form prescribed by the Corporation.

(b) In determining the total production to be counted for each unit, production from units on which the production has been commingled will be allocated to such units in proportion to the liability on each unit.

(c) There shall be no abandonment to the Corporation of any insured forage acreage.

(d) In the event that any claim for indemnity under the provisions of the contract is denied by the Corporation, an action on such claim may be brought against the Corporation under the provisions of 7 U.S.C. 1508(c): *Provided,* That the same is brought within one year after the date notice of denial of the claim is mailed to and received by the insured.

(e) Any indemnity will be payable within 30 days after a claim for indemnity is approved by the Corporation. *However,* in no event shall the Corporation be liable for interest or damages in connection with any claim for indemnity whether such claim be approved or disapproved by the Corporation.

(f) If the insured is an individual who dies, disappears, or is judicially declared incompetent, or the insured is an entity other than an individual and such entity is dissolved after insurance attaches for any crop year, any indemnity will be paid to the person(s) the Corporation determines to be beneficially entitled thereto.

(g) The Corporation reserves the right to reject any claim for indemnity if any of the requirements of this section or section 8 of the policy are not met and the Corporation determines that the amount of loss cannot be satisfactorily determined.

6. Subrogation. The insured (including any assignee or transferee) assigns to the Corporation all rights of recovery against any person for loss or damage to the extent that payment hereunder is made by the Corporation. The Corporation thereafter shall execute all papers required and take appropriate action as may be necessary to secure such rights.

7. Termination of the contract. (a) The contract shall terminate if no premium is earned for five consecutive years.

(b) If the insured is an individual who dies or is judicially declared incompetent, or the insured entity is other than an individual and such entity is dissolved, the contract shall terminate as of the date of death, judicial declaration, or dissolution; *however,* if such event occurs after insurance attaches for any crop year, the contract shall continue in force through such crop year and terminate at the end thereof. Death of a partner in a partnership shall dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons shall dissolve the joint entity.

8. Coverage level and price election. (a) If the insured has not elected on the application

a coverage level and price at which indemnities shall be computed from among those shown on the actuarial table, the coverage level and price election which shall be applicable under the contract, and which the insured shall be deemed to have elected, shall be as provided on the actuarial table for such purposes.

(b) The insured may, with the consent of the Corporation, change the coverage level and/or price election for any crop year on or before the closing date for submitting applications for that crop year.

9. Assignment of indemnity. Upon approval of a form prescribed by the Corporation, the insured may assign to another party the right to an indemnity for the crop year and such assignee shall have the right to submit the loss notices and forms as required by the contract.

10. Contract changes. The Corporation reserves the right to change any terms and provisions of the contract from year to year. Any changes shall be mailed to the insured or placed on file and made available for public inspection in the office for the county at least 15 days prior to the cancellation date preceding the crop year for which the changes are to become effective, and such mailing or filing shall constitute notice to the insured. Acceptance of any changes will be conclusively presumed in the absence of any notice from the insured to cancel the contract as provided in section 12 of the policy.

Note.—The reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942 and OMB Circular A–40.

Approved by the Board of Directors on March 14, 1980.

Dated: April 7, 1980.

Approved by:

W. Otto Johnson,

Acting Manager.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

[FR Doc. 80–11124 Filed 4–11–80; 8:45 am]

BILLING CODE 3410–08–M

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7 CFR Part 414

Proposed Forage Seeding Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation.

ACTION: Proposed rule.

SUMMARY: This proposed rule prescribes procedures for insuring forage in the seeding stage effective with the 1981 crop year. This rule is a revision of the previous regulations for insuring forage seeding to include several changes and to reissue the regulations in a clearer, shorter, and more simplified document. This proposed rule is promulgated under the authority of the Federal Crop Insurance Act, as amended.

DATE: Written comments, data, and opinions must be submitted not later than June 13, 1980, to be sure of consideration.

ADDRESS: Written comments on this proposed rule should be sent to James D. Deal, Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, telephone 202–447–3325.

The Draft Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available on request from the above-named individual.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1955 to implement Executive Order No. 12044, and has been classified as "not significant".

Under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation (FCIC) proposes to revise and reissue the Forage Seeding Crop Insurance Regulations (7 CFR Part 414) as published in the **Federal Register** at 43 FR 16693–16697 (Thursday, April 20, 1978), 43 FR 1837 (May 1, 1978), and 44 FR 74796 (December 18, 1979) effective for the 1981 crop year.

In addition to shortening and simplifying the regulations, the proposed 7 CFR Part 414 provides (1) for a premium adjustment table that provides for up to 50 percent premium discount for good insuring experience and premium increases for unfavorable insuring experience, which replaces the present premium discount system, (2) that any premium not paid by the termination date will be increased by a 9 percent charge, with a 9 percent simple interest charge applying to any unpaid balance at the end of each subsequent 12-month period thereafter, (3) that the termination date for nonpayment of premium will be March 31 in all States except New York where the date will be September 15, (4) the cancellation date for New York State will be June 30, (5) that the end of the insurance period will be (a) spring-seeded forage: May 21 following the calendar year of seeding or (b) fall-seeded forage: October 15 following the calendar year of seeding.

In addition, § 414.5 of the proposed Forage Seeding Crop Insurance Regulations titled "Good Faith Reliance on Misrepresentation" increases the limitation from $5,000 to $20,000 in those cases involving good faith reliance on misrepresentation, wherein the Manager of the Corporation (FCIC) is authorized to take action to grant relief.

All previous regulations applicable to insuring forage crops at the seeding stage as found in 7 CFR Part 414 will not be applicable to the 1981 and succeeding forage seeding crops but will remain in effect for Federal Crop Insurance Corporation forage seeding insurance policies issued for the crop years prior to 1981.

All written submissions made pursuant to this notice will be available for public inspection in the office of the Manager during regular business hours, 8:15 a.m. to 4:45 p.m., Monday through Friday.

PROPOSED RULE: Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation proposes to revise and reissue the Forage Seeding Crop Insurance Regulations effective for the 1981 and succeeding crop years, which shall remain in effect until amended or superseded, to read as follows:

PART 414—FORAGE SEEDING CROP INSURANCE

Subpart—Regulations for the 1981 and Succeeding Crop Years

Sec.

414.1 Availability of Forage Seeding Insurance.
414.2 Premium rates and amounts of insurance.
414.3 Public notice of indemnities paid.
414.4 Creditors.
414.5 Good faith reliance on misrepresentation.
414.6 The contract.
414.7 The application and policy.

Authority: Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended (7 U.S.C. 1506, 1516).

§ 414.1 Availability of forage seeding insurance.

Insurance shall be offered under the provisions of this subpart on forage seeding in counties within limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from those approved by the Board of Directors of the Corporation. Before insurance is offered in any county, there shall be published by appendix to this part the names of the counties in which forage seeding insurance will be offered.

§ 414.2 Premium rates and amounts of insurance.

(a) The Manager shall establish premium rates and amounts of insurance for forage seeding which shall be shown on the county actuarial table on file in the office for the county and may be changed from year to year.

(b) At the time the application for insurance is made, the applicant shall elect an amount of insurance from among those amounts shown on the actuarial table for the crop year.

§ 414.3 Public notice of indemnities paid.

The Corporation shall provide for posting annually in each county at each county courthouse a listing of the indemnities paid in the county.

§ 414.4 Creditors.

An interest of a person in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or an involuntary transfer shall not entitle the holder of the interest to any benefit under the contract except as provided in the policy.

§ 414.5 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the forage seeding insurance contract, whenever (a) an insured person under a contract of crop insurance entered into under these regulations, as a result of a misrepresentation or other erroneous action or advice by an agent or employee of the Corporation, (1) is indebted to the Corporation for additional premiums, or (2) has suffered a loss to a crop which is not insured or for which the insured person is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which the insured person believed to be insured, or believed the terms of the insurance contract to have been complied with or waived, and (b) the Board of Directors of the Corporation, or the Manager in cases involving not more than $20,000, finds (1) that an agent or employee of the Corporation did in fact make such misrepresentation or take other erroneous action or give erroneous advice, (2) that said insured person relied thereon in good faith, and (3) that to require the payment of the additional premiums or to deny such insured's entitlement to the indemnity would not be fair and equitable, such insured person shall be granted relief the same as if otherwise entitled thereto.

§ 414.6 The contract.

The insurance contract shall become effective upon the acceptance by the Corporation of a duly executed application for insurance on a form prescribed by the Corporation. Such acceptance shall be effective upon the date the notice of acceptance is mailed to the applicant. The contract shall cover the forage seeding crop as provided in the policy. The contract shall consist of the application, the policy, the attached appendix, and the provisions of the county actuarial table. Any changes made in the contract shall not affect its continuity from year to year. Copies of forms referred to in the contract are available at the office for the county.

§ 414.7 The application and policy.

(a) Application for insurance on a form prescribed by the Corporation may be made by any person to cover such person's insurable share in the forage seeding crop as landlord, owner-operator, or tenant. The application shall be submitted to the Corporation at the office for the county on or before the applicable closing date on file in the office for the county.

(b) The Corporation reserves the right to discontinue the acceptance of applications in any county upon its determination that the insurance risk involved is excessive, and also, for the same reason, to reject any individual application. The Manager of the Corporation is authorized in any crop year to extend the closing date for submitting applications or contract changes in any county, by placing the extended date on file in the office for the county and publishing a notice in the **Federal Register** upon the Manager's determination that no adverse selectivity will result during the period of such extension: *Provided, however,* That if adverse conditions should develop during such period, the Corporation will immediately discontinue the acceptance of applications.

(c) In accordance with the provisions governing changes in the contract contained in policies issued under FCIC regulations for the 1978 and succeeding crop years, a contract in the form provided for under this subpart will come into effect as a continuation of a forage seeding contract issued under such prior regulations, without the filing of a new application.

(d) The provisions of the application and Forage Seeding Insurance Policy for the 1981 and succeeding crop years, and the Appendix to the Forage Seeding Insurance Policy are as follows:

U.S. Department of Agriculture, Federal Crop Insurance Corporation

Application for 19— and Succeeding Crop Years, Forage Seeding—Crop Insurance Contract

_____

_____

(Contract number)

_____

_____

(Identification number)

_____

(Name and Address) (ZIP Code)

_____

(County) (State)

Type of entity _____

Applicant is over 18 Yes— No—

A. The applicant, subject to the provisions of the regulations of the Federal Crop Insurance Corporation (herein called "Corporation"), hereby applies to the Corporation for insurance on the applicant's share in the forage seeded on insurable acreage as shown on the county actuarial table for the above-stated county. The applicant elects from the actuarial table the amount of insurance per acre.

The premium rates and amounts of insurance shall be those shown on the applicable county actuarial table filed in the office for the county for each crop year.

Elected amount of insurance per acre _____

Example: For the 19— Crop-Year Only (100 percent Share)

Location/ Farm No.	Amount of Insurance per acre*	Premium Per Acre**	Practice

*Your amount of insurance will be on a unit basis (acres x amount of insurance per acre x share).

**Your premium is subject to adjustment in accordance with section 5(c) of the policy.

B. When notice of acceptance of this application is mailed to the applicant by the corporation, the contract shall be in effect for the crop year specified above, unless the time for submitting applications has passed at the time this application is filed, AND SHALL CONTINUE FOR EACH SUCCEEDING CROP YEAR UNTIL CANCELED OR TERMINATED as provided in the contract. This accepted application, the following forage seeding insurance policy, the attached appendix, and the provisions of the county actuarial table showing the amounts of insurance, premium rates, and insurable and uninsurable acreage shall constitute the contract. Additional information regarding contract provisions can be found in the county regulations folder on file in the office for the county. No term or condition of the contract shall be waived or changed except in writing by the Corporation.

_____

(Code No./witness to signature)

_____

(Signature of applicant)

_____ 19—

(Date)

Address of office for county:

_____

Phone _____

Location of farm headquarters:

Phone

Forage Seeding Crop Insurance Policy

Terms and Conditions

Subject to the provisions in the attached appendix:

1. Causes of loss. (a) Causes of loss insured against. The insurance provided is against unavoidable loss of or failure to establish a stand or forage resulting from adverse weather conditions, insects, plant disease, wildlife, earthquake or fire occurring within the insurance period, subject to any exceptions, exclusions or limitations with respect to causes of loss shown on the actuarial table.

(b) Causes of loss not insured against. The contract shall not cover any loss, as determined by the Corporation, due to (1) the neglect or malfeasance of the insured, any member of the insured's household, the insured's tenants or employees, (2) failure to follow recognized good farming practices, (3) damage resulting from the backing up of water by any governmental or public utilities dam or reservoir project, or (4) any cause not specified as an insured cause in this policy as limited by the actuarial table.

2. Crop and acreage insured. (a) The crop insured shall be forage seeded to establish a stand of forage intended for harvest as livestock feed for which the actuarial table shows an amount of insurance and premium rate per acre and which is seeded on insured acreage.

(b) The acreage insured for each crop year shall be that acreage seeded to the crop of insurable acreage as shown on the actuarial table, and the insured's share therein as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect: *Provided*, That insurance shall not attach or be considered to have attached, as determined by the Corporation, to any acreage (1) where premium rates are established by farming practices on the actuarial table, and the farming practices carried out on any acreage are not among those for which a premium rate has been established, (2) not reported for insurance as provided in section 3 if such acreage is irrigated and an irrigated practice is not provided for such acreage on the actuarial table, (3) which is destroyed and after such destruction it was practical to reseed to the insured crop and such acreage was not reseeded, (4) initially seeded after the date on file in the office for the county which has been established by the Corporation as being too late to initially seed and expect a normal stand to be established, (5) of volunteer forage, (6) seeded to a type, variety or mixture not established as adapted to the area or shown as noninsurable on the actuarial table, (7) seeded with another crop (excluding nurse crops), or (8) seeded for the development or production of hybrid seed or for experimental purposes.

3. Responsibility of insured to report acreage and share. The insured shall submit to the Corporation on a form prescribed by the Corporation, a report showing (a) all acreage of forage seeding in the county (including a designation of any acreage to which insurance does not attach) in which the insured has a share and (b) the insured's share therein at the time of seeding. Such report shall be submitted each year not later than the acreage reporting date on file in the office for the county.

4. Amounts of insurance. For each crop year of the contract, the amounts of insurance shall be those shown on the actuarial table.

5. Annual premium. (a) The annual premium is earned and payable at the time of seeding and the amount thereof shall be determined by multiplying the insured acreage times the applicable premium per acre, times the insured's share at the time of seeding, times the applicable premium adjustment percentage in subsection (c) of this section.

(b) For premium adjustment purposes, only the years during which premiums were earned shall be considered.

(c) The premium shall be adjusted as shown in the following table:

Percentage Adjustments for Favorable Continuous Insurance Experience

Loss ratio [1] through previous crop year	Numbers of years continuous experience through previous year															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15 or more
	Percentage adjustment factor for current crop year															
.00–.20	100	95	95	90	90	85	80	75	70	70	65	65	60	60	65	50
.21–.40	100	100	95	95	90	90	90	85	80	80	75	75	70	70	65	60
.41–.60	100	100	95	95	95	95	95	90	90	90	85	85	80	80	75	70
.61–.80	100	100	95	95	95	95	95	95	90	90	90	90	85	85	85	80
.81–1.09	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

Percentage Adjustments for Unfavorable Insurance Experience

Loss ratio [1] through previous crop year	Number of loss years through previous year [2]															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	Percentage adjustment factor for current crop year															
1.10–1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124	126
1.20–1.39	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148	152
1.40–1.69	100	100	100	108	116	124	132	140	148	156	164	172	180	188	196	204
1.70–1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00–2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248	260
2.50–3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288
3.25–3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300
4.00–4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	300	300
5.00–5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00–Up	100	100	120	136	158	180	202	224	246	268	290	300	300	300	300	300

[1] Loss Ratio means the ratio of indemnity(ies) paid to premium(s) earned.

[2] Only the most recent 15 crop years will be used to determine the number of "Loss Years". (A crop year is determined to be a "Loss Year" when the amount of indemnity for the year exceeds the premium for the year.)

(d) Any amount of premium for an insured crop which is unpaid on the day following the termination date for indebtedness for such crop shall be increased by a 9 percent service fee, which increased amount shall be the premium balance, and thereafter, at the end of each 12-month period, 9 percent simple interest shall attach to any amount of the premium balance which is unpaid: *Provided*,

When notice of loss has been timely filed by the insured as provided in section 7 of this policy, the service fee will not be charged and the contract will remain in force if the premium is paid in full within 30 days after the date of approval or denial of the claim for indemnity; *however*, if any premium remains unpaid after such date, the contract will terminate and the amount of premium outstanding shall be increased by a 9 percent service fee, which increased amount shall be the premium balance. If such premium balance is not paid within 12 months immediately following the termination date, 9 percent simple interest shall apply from the termination date and each year thereafter to any unpaid premium balance.

(e) Any unpaid amount due the Corporation may be deducted from any indemnity payable to the insured by the Corporation or from any loan or payment to the insured under any Act of Congress or program administered by the U.S. Department of Agriculture, when not prohibited by law.

6. Insurance period. Insurance on insured acreage shall attach at the time of seeding and shall cease upon the earliest of (a) final adjustment of a loss, (b) harvest of the forage crop, (c) spring-seeded forage: May 21 following the calendar year of seeding, (d) fall-seeded forage: October 15 following the calendar year of seeding, or (e) total destruction of the insured crop.

7. Notice of damage or loss. (a) Any notice of damage or loss shall be given promptly in writing by the insured to the Corporation at the office for the county.

(b) Notice shall be given promptly if (1) during the period before harvest, the forage seeding on any unit is damaged to the extent that the insured does not expect to further care for the crop or intends to reseed insured fall-seeded acreage in the spring by the final seeding date for spring-seeded acreage, or (2) the insured wants the consent of the Corporation to put the acreage to another use. No insured acreage shall be put to another use until the Corporation has made an appraisal of such acreage and consents in writing to such other use. Such consent shall not be given until it is too late or impractical to reseed to forage. Notice shall also be given when such acreage has been put to another use or reseeded.

(c) In addition to the notices required in subsection (b) of this section, if an indemnity is to be claimed on any unit, the insured shall give written notice thereof to the Corporation at the office for the county not later than *30 days* after the earlier of (1) the calendar date for the end of the insurance period, or (2) the date the entire forage seeding on the unit is destroyed, as determined by the Corporation. The Corporation reserves the right to provide additional time if it determines there are extenuating circumstances.

(d) Any insured acreage which is not to be harvested and upon which an indemnity is to be claimed shall be left intact until inspected by the Corporation.

(e) The Corporation may reject any claim for indemnity if any of the requirements of this section are not met.

8. Claim for indemnity. (a) It shall be a condition precedent to the payment of any indemnity that the insured (1) furnish proof of acreage seeded on the unit and that any loss has been directly caused by one or more of the insured causes during the insurance period for which the indemnity is claimed and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(b) Indemnities shall be determined separately for each unit. The amount of indemnity for any unit shall be determined by (1) multiplying the insured acreage of forage seeding on the unit by the applicable amount of insurance per acre, which product shall be the amount of insurance for the unit, (2) subtracting therefrom the amount obtained by multiplying the sum of acres with an established stand plus 10 percent of the seeded acres for the unit by the applicable amount of insurance per acre, and (3) multiplying the result obtained in step (2) by the insured share: *Provided*, That if the premium computed on the insured acreage and share is more than the premium computed on the reported acreage and share, the amount of indemnity shall be computed on the insured acreage and share and then reduced proportionately.

(c) Acres with an established stand for a unit shall be determined by the Corporation and shall include the following: (1) Any acreage having at least 75 percent of a normal stand as determined by the Corporation, (2) any acreage abandoned or put to another use without the prior written consent of the Corporation, (3) any acreage damaged solely by an uninsured cause, or (4) any harvested acres.

(d) A reseeding payment will be made on any insured fall-seeded acreage with less than a 75 percent stand on which the Corporation has given written consent, and is reseeded in the next succeeding spring by the final spring seeding date, equal to 50 percent of the amount of indemnity determined in accordance with subsection (b) of this section.

9. Misrepresentation and fraud. The Corporation may void the contract without affecting the insured's liability for premiums or waiving any right, including the right to collect any unpaid premiums if, at any time, the insured has concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance shall be effective as of the beginning of the crop year with respect to which such act or omission occurred.

10. Transfer of insured share. If the insured transfers any part of the insured share during the crop year, protection will continue to be provided according to the provisions of the contract to the transferee for such crop year on the transferred share, and the transferee shall have the same rights and responsibilities under the contract as the original insured for the current crop year. Any transfer shall be made on an approved form.

11. Records and access to farm. The insured shall keep or cause to be kept for two years after the time of loss, records of the seeding on each unit including separate records showing the same information for seeding on any uninsured acreage. Any persons designated by the Corporation shall have access to such records and the farm for purposes related to the contract.

12. Life of contract: cancellation and termination. (a) The contract shall be in effect for the crop year specified on the application and may not be canceled for such crop year. Thereafter, either party may cancel the insurance for any crop year by giving a signed notice to the other on or before the cancellation date preceding such crop year.

(b) Except as provided in section 5(d) of this policy, the contract will terminate as to any crop year if any amount due the Corporation under this contract is not paid on or before the termination date for indebtedness preceding such crop year: *Provided*, That the date of payment for premium (1) if deducted from an indemnity claim shall be the date the insured signs such claim or (2) if deducted from payment under another program administered by the U.S. Department of Agriculture shall be the date such payment was approved.

(c) Following are the cancellation and termination dates:

State	Cancellation date	Termination date for indebtedness
New York	June 30	Sept. 15
All other States	Dec. 31	Mar. 31

(d) In the absence of a notice from the insured to cancel, and subject to the provisions of subsections (a), (b), and (c) of this section, and section 7 of the Appendix, the contract shall continue in force for each succeeding crop year.

Appendix.—Additional Terms and Conditions

1. Meaning of terms. For the purposes of forage seeding crop insurance:

(a) "Actuarial table" means the forms and related material for the crop year approved by the Corporation which are on file for public inspection in the office for the county, and which show the amounts of insurance, premium rates, insurable and uninsurable acreage, and related information regarding forage seeding insurance in the county.

(b) "County" means the county shown on the application and any additional land located in a local producing area bordering on the county, as shown on the actuarial table.

(c) "Crop year" means the period within which the seeding is or normally would become established and shall be designated by the calendar year in which the seeding is made for spring-seeded acreage and the next succeeding calendar year for fall-seeded acreage.

(d) "Harvest" means the severance of the forage plant from the land for the intended use as livestock feed.

(e) "Insurable acreage" means the land classified as insurable by the Corporation and shown as such on the county actuarial table.

(f) "Insured" means the person who submitted the application accepted by the Corporation.

(g) "Office for the county" means the Corporation's office serving the county shown on the application for insurance or such office as may be designated by the Corporation.

(h) "Reseed" means mechanical incorporation into the soil of seed at not less than 50 percent of the original seeding rate.

(i) "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(j) "Share" means the interest of the insured as landlord, owner-operator, or tenant in the insured forage crop at the time of seeding as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect, and no other share shall be deemed to be insured: *Provided*, That for the purpose of determining the amount of indemnity, the insured share shall not exceed the insured's share at the earliest of (1) the date of beginning of harvest on the unit, (2) the calendar date for the end of the insurance period, or (3) the date the entire crop on the unit is destroyed, as determined by the Corporation.

(k) "Tenant" means a person who rents land from another person for a share of the forage crop or proceeds therefrom.

(l) "Unit" means all insurable acreage of either fall-seeded forage or spring-seeded forage in the county on the date of seeding for the crop year (1) in which the insured has a 100 percent share, or (2) which is owned by one entity and operated by another entity on a share basis. Land rented for cash, a fixed commodity payment, or any consideration other than a share in the forage crop on such land shall be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to the applicable guidelines on file in the office for the county or by written agreement between the Corporation and the insured. The Corporation shall determine units as herein defined when adjusting a loss, notwithstanding what is shown on the acreage report, and has the right to consider any acreage and share reported by or for the insured's spouse or child or any member of the insured's household to be the bona fide share of the insured or any other person having the bona fide share.

2. Acreage insured. (a) The Corporation reserves the right to limit the insured acreage of the crop to any acreage limitations established under any Act of Congress, provided the insured is so notified in writing prior to the seeding of forage.

(b) If the insured does not submit an acreage report on or before the acreage reporting date on file in the office for the county, the Corporation may elect to determine by units the insured acreage and share or declare the insured acreage on any unit(s) to be "zero". If the insured does not have a share in any insured acreage in the county for any year, the insured shall submit a report so indicating. Any acreage report submitted by the insured may be revised only upon approval of the Corporation.

3. Irrigated acreage. (a) Where the actuarial table provides for insurance on an irrigated practice, the insured shall report as irrigated only the acreage for which the insured has adequate facilities and water to carry out a good irrigation practice at the time of seeding.

(b) Where irrigated acreage is insurable, any loss of production caused by failure to carry out a good irrigation practice, except failure of the water supply from an unavoidable cause occurring after the beginning of seeding, as determined by the Corporation, shall be considered as due to an uninsured cause. The failure or breakdown of irrigation equipment or facilities shall not be considered as a failure of the water supply from an unavoidable cause.

4. Annual premium. (a) If there is no break in the continuity of participation, any premium adjustment applicable under section 5 of the policy shall be transferred to (1) the contract of the insured's estate or surviving spouse in case of death of the insured, (2) the contract of the person who succeeds the insured if such person had previously participated in the farming operation, or (3) the contract of the same insured who stops farming in one county and starts farming in another county.

(b) If there is a break in the continuity of participation, any reduction in premium earned under section 5 of the policy shall not thereafter apply; *however*, any previous unfavorable insurance experience shall be considered in premium computation following a break in continuity.

5. Claim for and payment of indemnity. (a) Any claim for indemnity on a unit shall be submitted to the Corporation on a form prescribed by the Corporation.

(b) There shall be no abandonment to the Corporation of any insured forage acreage.

(c) In the event that any claim for indemnity under the provisions of the contract is denied by the Corporation, an action on such claim may be brought against the Corporation under the provisions of 7 U.S.C. 1508(c); *Provided*, That the same is brought within one year after the date notice of denial of the claim is mailed to and received by the insured.

(d) Any indemnity will be payable within 30 days after a claim for indemnity is approved by the Corporation. *However*, in no event shall the Corporation be liable for interest or damages in connection with any claim for indemnity whether such claim be approved or disapproved by the Corporation.

(e) If the insured is an individual who dies, disappears, or is judicially declared incompetent, or the insured is an entity other than an individual and such entity is dissolved after the crop is seeded for any crop year, any indemnity will be paid to the person(s) the Corporation determines to be beneficially entitled thereto.

(f) The Corporation reserves the right to reject any claim for indemnity if any of the requirements of this section or section 8 of the policy are not met and the Corporation determines that the amount of loss cannot be satisfactorily determined.

6. Subrogation. The insured (including any assignee or transferee) assigns to the Corporation all rights of recovery against any person for loss or damage to the extent that payment hereunder is made by the Corporation. The Corporation thereafter shall execute all papers required and take appropriate action as may be necessary to secure such rights.

7. Termination of the contract. (a) The contract shall terminate if no premium is earned for five consecutive years.

(b) If the insured is an individual who dies or is judicially declared incompetent, or the insured entity is other than an individual and such entity is dissolved, the contract shall terminate as of the date of death, judicial declaration, or dissolution; *however*, if such event occurs after insurance attaches for any crop year, the contract shall continue in force through such crop year and terminate at the end thereof. Death of a partner in a partnership shall dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons shall dissolve the joint entity.

8. Amount of insurance. (a) If the insured has not elected on the application an amount of insurance from among those shown on the actuarial table, the amount of insurance which shall be applicable under the contract, and which the insured shall be deemed to have elected, shall be as provided on the actuarial table for such purposes.

(b) The insured may, with the consent of the Corporation, change the amount of insurance for any crop year on or before the closing date for submitting applications for that crop year.

9. Assignment of indemnity. Upon approval of a form prescribed by the Corporation, the insured may assign to another party the right to an indemnity for the crop year and such assignee shall have the right to submit the loss notices and forms as required by the contract.

10. Contract changes. The Corporation reserves the right to change any terms and provisions of the contract from year to year. Any changes shall be mailed to the insured or placed on file and made available for public inspection in the office for the county at least 15 days prior to the cancellation date preceding the crop year for which the changes are to become effective, and such mailing or filing shall constitute notice to the insured. Acceptance of any changes will be conclusively presumed in the absence of any notice from the insured to cancel the contract as provided in section 12 of the policy.

Note.—The reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942 and OMB Circular A–40.

Approved by the Board of Directors on March 14, 1980.

Approved by:

W. Otto Johnson,

Acting Manager.

Dated: April 7, 1980.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

[FR Doc. 80-11123 Filed 4-11-80; 8:45 am]

BILLING CODE 3410-08-M

Agricultural Marketing Service

7 CFR Part 1260

[Docket No. BRIA-2]

Beef Research and Information; Termination of Proceeding

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Referendum results; termination of proceeding.

SUMMARY: This document announces that the requisite number of beef producers voting in a referendum failed to approve the issuance of an Order to establish a beef research and information program under the amended Beef Research and Information Act. Therefore, the Order published in the **Federal Register** on December 14, 1979, will not become effective and this proceeding is terminated.

EFFECTIVE DATE: April 14, 1980.

FOR FURTHER INFORMATION CONTACT: Ralph L. Tapp, Livestock, Poultry, Grain, and Seed Division, AMS, USDA, Washington, D.C. 20250, Phone: (202) 447-2068.

SUPPLEMENTARY INFORMATION: On December 14, 1979, a decision and Order to implement the amended Beef Research and Information Act (7 U.S.C. 2901 *et seq.*) were published in the **Federal Register** (44 FR 72838). As provided in Section 9 of the Act (7 U.S.C. 2908), the Order could become effective only if approved by cattle producers voting in a referendum. Under Procedure for the Conduct of Referendums published in the **Federal Register**, May 17, 1977, (42 FR 25315) and amended December 11, 1979, (44 FR 71404) beef producers registered to vote during the period January 28 through February 6, 1980, and voted during the period February 19 through February 22, 1980, to determine whether they approved issuance of the Order.

Results of the referendum show that 79,818 producers voted in favor and 151,297 producers voted against the Order with 231,115 ballots cast. The number of beef producers registered to vote totaled 289,151. The referendum results show that less than the required majority of beef producers voted in favor of issuing the Order. Therefore, the Order published on December 14, 1979 shall no become effective and the proceeding is terminated.

Signed at Washington, D.C. on April 8, 1980.

William T. Manley

Deputy Administrator, Marketing Program Operations.

[FR Doc. 80-11121 Filed 4-11-80; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 17

Nomination of Candidate for Election to the Board of Directors

AGENCY: Comptroller of the Currency.

ACTION: Proposed Rescission of Regulation.

SUMMARY: The Comptroller proposes to rescind the subject regulation which states that a national bank may provide in its Articles of Association or Bylaws, or both, that shareholders other than the bank's present management who desire to nominate a candidate for election to the Board of Directors must first notify the bank and the Comptroller. The primary reasons for proposing rescission are that the regulation may not serve any meaningful regulatory purpose and may be unfair to minority shareholders. Rescission may further the Comptroller's goal of reducing unnecessary banking regulation.

DATES: Comments should be received on or before June 13, 1980.

ADDRESSES: Comments should be addressed to Mr. John E. Shockey, Chief Counsel, Comptroller of the Currency, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20219.

FOR FURTHER INFORMATION CONTACT: Mr. Larry A. Mallinger, Attorney, Office of the Comptroller of the Currency, Washington, D.C. 20219, (202) 447-1880.

SUPPLEMENTARY INFORMATION: This action involves a regulation which provides that a national bank may adopt an Article of Association or Bylaw requiring shareholders other than present management to notify the bank and the Comptroller of an intention to nominate candidates to the bank's Board of Directors. Two key issues appear to be involved in this proposal.

The first is whether any significant regulatory purpose of the Comptroller is served by retention of 12 CFR 17. Historically, the Comptroller' Office has not maintained logs of notices required under the regulation, because filings have been so infrequent. The regulation by its terms is permissive; that is, there is no requirement that a bank adopt an Article of Association, or Bylaw, requiring notice of the subject information from nonmanagement nominees. The regulation also may be unnecessary because, even in its absence, a bank may be permitted, under prevailing law, to adopt an Article of Association or Bylaw containing the substance of 12 CFR 17. The Comptroller invites comments on (a) the regulatory purpose to be served by this regulation and (b) the legal ability of a national bank to adopt similar requirements in the absence of the regulation.

The second major issue connected with this proposal is whether retention of the regulation is unfair to minority shareholders. By its terms, 12 CFR 17 applies only to nonmanagement nominees. Management nominees are not required to submit the information listed in (a)-(e) of the regulation and to comply with its other provisions. Comments are solicited on this treatment of nonmanagement nominees. Comments are also requested as to whether 12 CFR 17 could be applied to restrict unfairly the exercise of cumulative voting rights provided by statute (12 U.S.C. 61). The regulation states in pertinent part that "any nomination for director not made in accordance therewith, may be disregarded and the votes cast for each such nominee may be disregarded by the vote tellers." Under this language, an uncompromising management could arbitrarily refuse to accept the nominees of a minority shareholder, and the votes intended therefor, on the basis that a part of 12 CFR 17 was not precisely followed. The Comptroller invites comments on this question.

There are several alternatives to rescinding 12 CFR 17. First, the substance of the notification requirement could be retained in simplified form within the Comptroller's regulation on Change in Bank Control (12 CFR 15). Another alternative would be to retain the regulation, but require management nominees to submit the same information as nonmanagement nominees. Comments on these alternatives or others, such as the retention of 12 CFR 17 in its present form, are requested.

Rescission is expected to have little effect on national banks. For example, the proposed action will not impose any additional costs or requirements on national banks and will remove a requirement for shareholders of which they are normally not even aware.

All comments received will be available for public inspection.

Dated: April 8, 1980.

John G. Heimann,

Comptroller of the Currency.

[FR Doc. 80-11062 Filed 4-11-80; 8:45 am]

BILLING CODE 4810-33-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 80-WE-20-AD]

Airworthiness Directives; Piper Model 600 Series Airplanes

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would provide an advisory relative to engine fuel pressure safe operating limits on Piper Model 600 series airplanes. The proposed AD is needed to prevent unintentional engine fuel leaning due to low pressure fuel supply at altitude which could result in engine overheating, detonation and possible engine failure.

DATES: Comments must be received on or before June 16, 1980.

ADDRESSES: Send comments on the proposal to: Department of Transportation, Federal Aviation Administration, Western Region, Attention: Regional Counsel, Airworthiness Rule Docket, P.o. Box 92007, Worldway Postal Center, Los Angeles, California 90009.

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: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Interested persons are also invited to comment on the economic, environmental and energy impact that might result because of adoption of the proposed rule. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

There have been reports of engine overheating and detonation resulting in engine damage to the extent of in-flight engine failure, in some cases, on Piper Model 601 and 601P series airplanes. A contributing factor has been determined to be engine operation at fuel supply pressures less than the 18 PSI minimum required for safe operation of the engine at power settings above "idle." Since this condition is likely to exist or develop on other aircraft of the same type design, the proposed AD would require caution markings on the fuel pressure gauges and a revision to the operating limitations section of the Airplane Flight Manual specifying the appropriate engine fuel pressure limitation on Piper Model 600 series airplanes.

Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

Piper: (Ted Smith) Applies to Aerostar Model 601 and 601P airplanes certificated in all categories.

Compliance required as indicated, unless already accomplished.

To prevent possible engine failure due to excessive lean fuel/air mixtue, accomplish the following:

(a) Within 30 days from the effective date of this AD, index and mark the left hand and right hand engine fuel pressure gauges with a yellow arc between the 12 PSI and 18 PSI range, and incorporate provisions in the Airplane Flight Manual limitations section to the effect that: Fuel boost pump must be ON when fuel pressure indication is less than 18 PSI and engine is operating above the idle power range.

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

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

(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 11.85)

Note.—The Federal Aviation Administration has determined that this document involves a proposed regulation which is not considered to be significant under Executive Order 12044 as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). In addition, the expected impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Los Angeles, Calif., on March 31, 1980.

Herman C. Bliss,

Acting Director, FAA Western Region.

[FR Doc. 80-11063 Filed 4-11-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 18605/79-AWE-18]

Proposed Group II Terminal Control Area; Phoenix, Ariz.

Correction

In FR Doc. 80-10375 appearing on page 23457 in the issue of Monday, April 7, 1980 make the following corrections:

On page 23463, the file line was omitted at the bottom of the first column, and above the "Billing Code" and should have read "[FR Doc. 80-10375 Filed 4-4-80; 12:03 pm]".

On page 23460, first column, the fourth line of paragraph (a) should have read: "gathering and aerial advertising would".

In the last paragraph in the second column, the first line should have read: "In the 80 original TRSAs, in which Stage";

In the third column, second complete paragraph, the tenth line should have read: "encouraging pilots to use a "Heads Up", and the fourth line of paragraph (h) should have read: "To base the "on-again, off-again" ".

On page 23461, first column, second paragraph, the first word in the seventeenth line should have read: "compression";

In the second column, first paragraph, the fourteenth line should have read: "required to be equipped with a VOR or TACAN".

On page 23462, first column, the second line of the second complete paragraph should have read: "from 5,500 feet MSL to and including 12,500".

BILLING CODE 1505-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 275

[Release No. IA-717; File No. S7-830]

Solicitation of Public Comments Concerning Issues To Be Considered in Connection With the Investment Adviser Act Study

AGENCY: Securities and Exchange Commission.

ACTION: Solicitation of public comments.

SUMMARY: The Securities and Exchange Commission today announces that the Division of Investment Management ("Division") is requesting public comments relating to the nature and scope of issues to be considered by the Division in the course of its study of the Investment Advisers Act of 1940.

DATE: Comments should be received on or before August 4, 1980.

ADDRESSES: Comments should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Comment letters should refer to File No. S7-830. All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Michael J. Eizelman, Esq. (202-272-2079), Office of Investment Adviser Regulation, Division of Investment Management, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: For some time, the Commission has been aware of a need to reevaluate its investment adviser regulatory program in light of the growth of the advisory industry and the increasing variety and complexity of the services provided by investment advisers. In 1976, the Commission supported legislation which would have, among other things, empowered the Commission to prescribe standards of minimum professional qualifications and financial responsibility for investment advisers. The legislation was reported favorably by the Senate Committee on Banking, Housing and Urban Affairs but was not voted upon by the full Senate.[1]

Thereafter, the Division established the Office of Investment Adviser Regulation ("Advisers Office") in December, 1978. In addition to being responsible for the day-to-day administration of the Investment Advisers Act of 1940 ("Advisers Act"), including responses to interpretive and no-action requests under the Advisers Act, the Advisers Office is conducting a comprehensive study of the current regulatory scheme applicable to investment advisers.

Partly for the purpose of obtaining additional information concerning the investment advisory industry the Commission, in January of 1979, adopted certain revisions to Form ADV, the application for registration as an investment adviser.[2] At that time, the Commission also adopted new Rule 204-3 [17 CFR 275.204-3] under the Advisers Act (the "Brochure Rule") to require that specified disclosure be made to current and prospective advisory clients, and adopted new Form ADV-S, a short annual supplement to Form ADV.

In June, 1979, the Commission issued for public comment a proposed rule which would provide an exemption from Section 205(1) [15 U.S.C. 80b-5(1)] of the Advisers Act to permit registered investment advisers to business development companies to receive performance-based fees.[3] That proposed rule was intended in part to remove a possible impediment to the flow of capital into new and developing companies.

Subsequently, in July of 1979, the Commission adopted new Rule 206(4)-3 [17 CFR 275.206(4)-3] under the Advisers Act delimiting the circumstances under which an investment adviser may make a cash payment to a person who refers clients to, or solicits clients for, the adviser.[4]

The Commission anticipates that, as the Division's review of the Advisers Act continues, additional rulemaking under that statute will take place in the future. However, some of the issues to be considered by the Division might result in recommendations which can be implemented only if Congress amends the Advisers Act. Before the Division makes any decision as to whether it should recommend legislation to amend the Advisers Act, it seems appropriate to invite public comment concerning issues which might result in legislative recommendations. The issues presently under consideration are set forth below.

Some, but not all, of these issues are ones which were considered in connection with the 1976 proposed legislation. For example, one of the most important issues under consideration is whether one or more self-regulatory organizations should be established to prescribe and adminster requirements under the Advisers Act, and whether membership in such a self-regulatory organization can and should be made mandatory for investment advisers.[5]

It is envisioned that in the investment advisory industry several self-regulatory organizations could develop to take account of various specialized segments of the industry. For example, different self-regulatory organizations might interest financial planners, pension consultants, and investment managers to investment companies. This would be in contrast to the self-regulatory system presently applicable to broker-dealers. Although Section 15A of the Securities Exchange Act of 1934 [15 U.S.C. 78o-3] does not by its terms limit broker-dealer self-regulation to the National Association of Securities Dealers, Inc. ("NASD"), for economic reasons the NASD has become the sole registered national securities association for broker-dealers. The same economic factors may account, at least in part, for the fact that the majority of broker-dealer firms have chosen to become members of the NASD. To the extent that different economic considerations might apply with respect to the investment advisory industry, it seems possible that self-regulation in that industry can be effective only if membership in at least one of the self-regulatory organizations which might come into existence is made mandatory.

The Division invites public comment with respect to the following areas of inquiry, as well as any other matters which interested persons believe should be considered in connection with the Division's evaluation of whether to recommend legislation to amend the Advisers Act:

(1) Should authority to prescribe and administer requirements under the Advisers Act be vested in one or more self-regulatory organizations? Should rulemaking powers be vested in such self-regulatory organizations with oversight by the Commission? For example, should such organizations be authorized to prescribe rules of conduct? Should membership in at least one such organization be mandatory or should an investment adviser be allowed to

[1] S. Rep. No. 94-910, 94th Cong., 2d Sess. (1976). The House version of the legislation, H.R. 13737, was reported to the House Committee on Interstate and Foreign Commerce by the Subcommittee on Consumer Protection and Finance but was not considered by the full Committee.

[2] Investment Advisers Act Release No. 644 (January 30, 1979) [44 FR 7870, February 7, 1979].

[3] Investment Advisers Act Released No. 680 (June 19, 1979) [44 FR 37470, June 26, 1979].

[4] Investment Advisers Act Released No. 688 (July 12, 1979) [44 FR 42126, July 18, 1979].

[5] The 1976 proposed legislation would have authorized and directed the Commission to make a study of the appropriateness of establishing one or more self-regulatory organizations.

choose, as an alternative, direct regulation by the Commission? Is there any constitutional impediment to making membership in a self-regulatory organization mandatory?

(2) Should minimum professional qualification standards be established under which investment advisers would be required to submit to a test or examination or to meet standards of training and experience in the investment advisory field? Should any such standards vary with respect to advisers who provide different types of services and have different types of clients? Should professional qualifications be prescribed by one or more self-regulatory organizations or should such qualifications be prescribed by the Commission?

(3) Should specific financial responsibility requirements for investment advisers be established? Should any such standards differ for various segments of the investment advisory industry? For example, should the standards apply to those investment advisers which exercise discretionary authority with respect to advisory accounts or have custody or possession of securities or funds of their clients but not to those which only provide impersonal investment advisory services such as advisory newsletters? In conjunction with, or in lieu of, financial responsibility standards, should bonding requirements be prescribed? Should financial responsibility standards be prescribed by one or more self-regulatory organizations or should such standards be prescribed by the Commission?

(4) Should the Advisers Act be amended to permit private suits for damages for violations of Section 206 of the Advisers Act [15 U.S.C. 80b–6]?[6]

(5) Should any of the exclusions from the definition of investment adviser provided by Section 202(a)(11)(A)–(E) of the Advisers Act [15 U.S.C. 80b–2(a)(11)(A)–(E)] be modified?

(6) Should any of the exceptions from the investment adviser registration requirements contained in Section 203(b) of the Advisers Act [15 U.S.C. 80b–3(b)] be modified? For example, in light of developments in the securities market, specifically the increase in securities not traded on national exchanges, should the intrastate exception contained in Section 203(b)(1) [15 U.S.C. 80b–3(b)(1)] be eliminated?

(7) What measures, if any, should be taken to eliminate unnecessary regulatory burdens and achieve more uniform and consistent regulation of investment advisers?

By the Commission.

George A. Fitzsimmons,

Secretary.

April 4, 1980.

[FR Doc. 80–11230 Filed 4–11–80; 8:45 am]

BILLING CODE 8010–01–M

[6] *See Transamerica Mortgage Investors, Inc. v Lewis*, 100 S. Ct. 242 (1979).

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 110 and 165

[CCGD 11–80–03]

Safety Zone, San Diego Bay, Calif.; Proposal To Disestablish a Seaplane Area and Establish a Safety Zone Adjacent to U.S. Coast Guard Air Station, San Diego, Calif.

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: The Coast Guard proposes to establish a permanent safety zone in the waters immediately adjacent to Coast Guard Air Station, San Diego, California. The continued unrestricted mooring and operation of vessels in these waters is potentially hazardous to the vessels and Coast Guard helicopters operating from the Air Station. Establishment of this safety zone would require persons to comply with the general safety zone regulations contained in 33 CFR Part 165.20 which prohibit persons from entering or remaining in the safety zone without authorization from the Captain of the Port. This proposal would also disestablish an area adjacent to the Air Station reserved for the use of Coast Guard seaplanes.

DATE: Comments must be received on or before: May 29, 1980.

ADDRESSES: Comments should be submitted to Commander, Eleventh Coast Guard district (m), 400 Oceangate, Long Beach, CA 90822. Comments received will be available for examination at the Marine Safety Division, Office of the Commander, Eleventh Coast Guard District, Room 917, 400 Oceangate, Long Beach, CA 90822.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander James B. Morris, Marine Safety Division, Eleventh Coast Guard District, Union Bank Building, 400 Oceangate, Long Beach, CA 90822, (213) 590–2301.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Each person submitting a comment should include their name and address, identify this notice (CCGD 11–8—03) and the specific section of the proposal to which their comment applies, and give reasons for the comment. Persons desiring acknowledgement that their comment has been received should enclose a stamped self addressed postcard or envelope.

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 if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

DRAFTING INFORMATION: The principal persons involved in drafting the proposal are: Lieutenant Commander James B. Moris, Project Officer, Marine Safety Division Eleventh Coast Guard District; and Lieutenant Commander Ronald S. Matthew, Project Attorney, District Legal Office Eleventh Coast Guard District.

DISCUSSION OF THE PROPOSED RULE: This proposed safety zone is intended to provide an increased level of safety for both vessels and Coast Guard helicopters in the vicinity of the Coast Guard Air Station, San Diego, California. The waters adjacent to the Air Station have been used increasingly by vessels as an anchorage. The flight paths of helicopters taking off and landing at the Air Station lie over these waters presenting the possibility that vessels may be damaged or even capsized by the rotor wash from the helicopters. In addition, the presence of sailboats, with their high masts, near the landing area, creates the need for the Coast Guard pilots to use a steeper than normal approach path which is not in the interest of public safety.

The Coast Guard promulgated regulations which set forth the procedures for the establishment of safety zones for the protection of vessels, structures, and water and shore areas. These regulations also provide for publishing specific safety zones when they have a continuing application (33 CFR Part 165, 42 FR 63369).

This safety zone would remain in effect at all times. All marine traffic in the vicinity would be prohibited from entering or remaining in this safety zone without authorization from Captain of the Port, San Diego, California. This proposed safety zone, which will be marked by buoys, would include the waters of San Diego Bay within

approximately 100 yards of the Air Station heliport.

This proposal would also disestablish a seaplane area (33 CFR 110.210(a)(2)), adjacent to the Air Station, in which the anchoring of vessels is prohibited. The area is unnecessary since the Coast Guard does not presently operate seaplanes out of San Diego and has no future plans to do so.

A preliminary environmental evaluation has been completed and an initial determination has been made that this proposed action would result in no adverse impact on the quality of the human environment.

The Coast Guard has determined, in accordance with the Department of Transportation's "Regulatory Policies and Procedures" (44 FR 11034), that this proposed amendment is nonsignificant and that its impact is so minimal that an Evaluation is not warranted.

In consideration of the foregoing, it is proposed to amend Chapter I of Title 33, Code of Federal Regulations as follows:

PART 110—ANCHORAGE REGULATIONS

1. By revoking and reserving paragraphs (a)(2) and (b)(3) of Sec. 110.210.

§ 110.210 [Amended]

PART 165—SAFETY ZONES

2. By adding a new Sec. 165.1101 in Subpart B to read as follows:

§ 165.1101 San Diego Bay, Calif.

(a) The waters of San Diego Bay enclosed by the following boundaries are a safety zone: A line beginning at latitude 32°43'37.2"N., longitude 117°10'45.0"W.; thence to latitude 32°43'36.2"N., longitude 117°10'41.5"W.; thence to latitude 32°43'27.8"N., longitude 117°10'45.8"W.; thence to latitude 32°43'30.0"N., longitude 117°10'53.0"W.; thence of latitude 32°43'33.0"N., longitude 117°10'51.5"W.; thence along boundary of Coast Guard Air Station, San Diego, to the point of beginning.

Note.—The northeast, southeast and southwest corners of this safety zone are marked by white buoys with horizontal orange bands.

(38 Stat. 1053, 33 USC 471; 92 Stat. 1471, 33 USC 1225; 49 CFR 1.46(c)(1) and (n)(4); 33 CFR 1.05–1(g) and 165.10)

Dated: March 21, 1980.

H. W. Parker,

Rear Admiral, U.S. Coast Guard, Commander, Eleventh Coast Guard District.

[FR Doc. 80–11197 Filed 4–11–80; 8:45 am]

BILLING CODE 4910–14–M

33 CFR Part 117

[CGD 80–032]

Newark Bay, Passaic, and Hackensack River, NJ, Drawbridge Operation Regulations

AGENCY: Coast Guard, DOT.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: Bergen, Hudson and Essex Counties, New Jersey have requested that the Coast Guard consider changes to the regulations governing the operation of the following drawbridges across the Passaic River, New Jersey: Union Avenue (mile 13.2), Jackson Street (mile 4.6), Bridge Street (mile 5.6), and Clay Street (mile 6.0). These changes were requested to reduce county operating expenses, to deal with shortages of qualifed bridgetenders and because a majority of vessel transits are made during daylight and early evening hours. In light of the proposed amendment to regulations for the Newark Bay, Passaic River and Hackensack River drawbridges published in the **Federal Register** of Thursday, March 13, 1980, the Coast Guard is interested in receiving comment regarding the requested changes to the regulations for the four above-named bridges, especially with regard to the impact on the earlier proposal.

DATES: 1. Comments must be received on or before May 12, 1980. 2. The Third Coast Guard District will hold two public hearings on April 23, 1980 to receive comments on the earlier proposal as well as on changes discussed in this advance notice.

ADDRESSES: 1. Comments should be submitted to and are available for examination during normal business hours at the Office of the Commander (oan-br), Third Coast Guard District, Building 135A, Governors Island, New York, N.Y. 10004. 2. The public hearings will be held on April 23, 1980, as follows: *Beginning at 1:30 p.m.*, at: City Council Chambers, City Hall, 920 Broad Street, Newark, N.J.; *Beginning at 7:30 p.m.*, at: City Council Chambers, City Hall, 176 Park Avenue, Rutherford, N.J.

Requests to speak at the public hearings should be submitted to the Office of the Commander (oan-br), Third Coast Guard District, Governors Island, New York, N.Y. 10004, (212) 688–7165).

FOR FURTHER INFORMATION CONTACT: William C. Heming, Bridge Administrator, Aids to Navigation Branch, Third Coast Guard District, Building 135A, Governors Island, New York, N.Y. 10004, (202–668–7165).

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written views, data or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD 80–032) and give reasons for concurrence with or any recommended change in the requested operating rules. Persons desiring acknowledgment that their comments have been received should enclose a stamped self-addressed postcard or envelope.

Interested persons are also invited to attend the public hearings and present oral or written statements. It is requested that anyone desiring to make comments at the public hearings notify the Commander (oan-br), Third Coast Guard District at the address listed above, at least 10 days before the scheduled date of the public hearings and specify which hearing they plan to attend and the approximate length of time needed for the presentation. Comments at each public hearing will normally be heard in the order the request to comment is received. It is urged that a written summary or copy of the oral presentation be included with the request. All communications received before the expiration of the comment period will be evaluated before further action is taken. In the event that the Coast Guard determines that the requested changes, or modifications thereto, have merit, a notice of proposed rulemaking will be published and further opportunity to comment will be provided before final action is taken.

DRAFTING INFORMATION: The principal persons involved in drafting this rule are Richard A. Gomez, Project Manager, and Lieutenant Bruce H. Tobey, Project Attorney, Third Coast Guard District.

This document has been reviewed and is not considered significant under the Department of Transportation's "Regulatory Policies and Procedures" (44 FR 11034, February 26, 1979). If further action is taken, a draft evaluation will be prepared and included in the public docket. Information and data are solicited for inclusion in the draft evaluation.

Discussion

Bergen County has requested that eight hours advance notice be given of the estimated time of an opening of the Union Avenue Bridge during the hours of midnight to 7 a.m. The draw would open as soon as possible for the passage of public vessels. The draw would be manned on a 24-hour basis and will be opened on signal during waterway

dredging if at least two weeks advance notice of anticipated commencement was given.

Hudson and Essex Counties have requested consideration of closure between the hours of 11 p.m. and 7 a.m. daily of their Jackson Street, Bridge Street, and Clay Street bridges.

The Coast Guard has not completed its assessment of the preliminary information supplies with these requests for changes in the regulations. However, because of the impact the operation of these bridges may have on the proposed rule published March 13, 1980 (45 FR 16203), comment regarding both the proposed rule and the recommendations set forth in this advance notice are solicited in order to gain a full appreciation of the situation. It should be noted that the Jackson Street, Bridge Street, and Clay Street drawbridges are all within one mile of Amtrak's Dock Bridge, one of the key drawbridges in the earlier proposal.

These bridges provide vehicular traffic with a means of crossing the Passaic River. The Hackensack and Passaic River area is heavily industrialized and populated and the industries and persons in this area depend on water, rail, and highways to transport the region's raw materials and finished products, as well as the people who work and live in this area. The Passaic River is transited by oil barges and other commercial vessels as well as pleasure vessels during the boating season. As discussed in the NPRM published March 13, 1980, when several bridges are in close proximity to one another the problems faced by mariners are compounded, requiring a coordinated regulatory approach.

(33 U.S.C. 499; 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5))

Dated: April 9, 1980.

W. E. Caldwell,

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

[FR Doc. 80-11196 Filed 4-11-80; 8:45 am]

BILLING CODE 4910-14-M

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46 CFR Parts 30 and 151

[CGD 80-02]

Revisions to Subchapter D Lists of Flammable and Combustible Bulk Cargoes

Correction

In FR Doc. 80-10442, appearing on page 23475, in the issue of April 7, 190 make the following correction:

On page 23476, second column, add the entry "Dimethyl Benezene*" above the fifth entry from the bottom.

BILLING CODE 1505-01-M

Research and Special Programs Administration

49 CFR Parts 172, 173, 177, 178, and 179

[Docket No. HM-166D; Notice No. 80-6]

Shipment of Hazardous Materials; Proposed Miscellaneous Amendments

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Materials Transportation Bureau (MTB) is proposing to make several miscellaneous amendments to the regulations pertaining to the shipment of hazardous materials. This action is necessary to update the regulations and to reduce MTB's backlog of rulemaking petitions.

DATE: Comments must be received on or before June 15, 1980.

ADDRESS: Address comments to Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. It is requested that the docket number be identified and that five copies be submitted. The Dockets Branch is located in Room 8426 of the Nassif Building, 400 7th St., SW., Washington, D.C. Office hours are 8:30 a.m. to 5:00 p.m., Monday through Friday. Telephone (202) 426-3148.

FOR FURTHER INFORMATION CONTACT: Darrell L. Raines, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Research and Special Programs Administration, Washington, D.C. 20590, (202-472-2726).

SUPPLEMENTARY INFORMATION: This document is the fifth of a series of notices and amendments to incorporate changes in the hazardous materials regulations based on either petitions for rulemaking submitted in accordance with 49 CFR 106.31 or on MTB's own initiative. On November 30, 1978, MTB published the first notice of proposed rulemaking under Docket HM-166; Notice 78-11 (43 FR 56070).

In summary, these proposed amendments would (1) require water shipments of Arsine, Chloropicrin and methal chloride mixture, Cyanogen gas, Germane, Hydrocyanic acid, liquefied, Hydrocyanic acid (*prussic*), solution (*5% or more hydrocyanic acid*), and Phosphine to be segregated the same as required for flammable gases. Also, a new entry would be added for Poisonous liquid *or* gas, n.o.s. having a subsidiary flammable gas hazard; (2) remove Manganese dioxide from § 172.101; (3) correct the packaging reference in column (5)(b) of § 172.101 for Strychnine, solid; (4) change the words "Cargo-only aircraft" to read "Cargo aircraft only" each time they appear throughout the regulation; (5) allow IMCO or United Nations placards on portable tanks, freight containers, motor vehicles and rail cars in addition to the required DOT placards; (6) change the reference to nitrocarbonitrate in § 173.63(a)(3) to read "a material classed as a blasting agent"; (7) revise §173.93(a)(4) to clearly state that two distinct packaging systems are authorized; (8) delete all references to "asbestos" as a cushioning material; (9) increase the maximum drum capacity to 60 gallons in § 173.178(a)(1); (10) delete the reference to Specification 28A in § 173.191(a)(4); (11) delete the reference to Specification 28 in § 173.245(a)(8) and Specification 43A in § 178.245(a)(11); (12) allow all of the commodities named in § 173.249 to be shipped by aircraft under the provisions of § 173.249(b); (13) authorize the use of a strong metal can instead of a tinplate slip cover metal can in § 173.252(g)(3); (14) delete the reference to a cancelled specification in § 173.253(a)(2) and add Specification 1M; (15) delete the reference to Specification 43A in § 173.257(a)(2); (16) revise certain paragraphs in § 173.264 by removing obsolete packagings; (17) remove the restriction in § 177.838(a) requiring shipments of flammable solids or oxidizing materials to be covered by a tarpaulin when in water-tight bulk containers; (18) add a new § 178.0-3 to allow packagings to be marked with the United Nations symbol and packaging identification code as provided in Annex I of the IMCO Code and (19) revise § 179.201-7(b) by increasing the vent bursting pressure to not more than 100 percent of tank test pressure.

Primary drafters of this document are Darrell L. Raines, Exemptions and Regulations Termination Branch, Office of Hazardous Materials Regulation, and George W. Tenley, Office of the Chief Counsel, Research and Special Programs Administration.

Since this is a miscellaneous notice, it is not practical to group these proposed changes by subject area as stated in the preamble of the first HM-166 notice. Instead, a format similar to the one used for Docket Ho. HM-139 is being used.

Proposed Amendments of Hazardous Materials Regulations

Regulation affected	Reason(s) for proposed change	Proposed amendment
§ 172.101	To specify in Column (7)(c) of the Hazardous Materials Table that segregation must be the same as for flammable gases for each of the following commodities: Arsine Chloropicrin and methyl chloride mixture Cyanogen gas Germane Hydrocyanic acid, liquefied Hydrocyanic acid, solution Phosphine [Add] Poisonous liquid or gas, n.o.s.	To revise Column (7)(c) of § 172.101 by adding "Segregation same as for flammable gases" for: Arsine Chloropicrin and methyl chloride mixture Cyanogen gas Germane Hydrocyanic acid, liquefied Hydrocyanic acid, solution Phosphine [Add] Poisonous liquid or gas, n.o.s.
§ 172.101, Strychnine, solid	Column (5)(b) of the Hazardous Materials Table incorrectly references § 173.377 instead of § 173.365.	To revise Column (5)(b) of § 172.101 to read § 173.365 instead of § 173.377 for Strychnine, solid.
§ 172.101, Manganese dioxide	Test data furnished by Kerr-McGee Chemical Corp., indicates that Manganese dioxide, is not a corrosive when wet, to either aluminum or steel and it does not come within any of the other defined classes of hazardous material. Also, Manganese dioxide has been removed from the Restricted Articles list of the International Air Transport Association (IATA) and the Air Transport Association of America.	To delete Manganese dioxide from § 172.101.
§ 172.203(f)	To eliminate the inconsistency between 49 CFR § 172.203(f) which requires the words "Cargo-only aircraft" to be entered after the basis description and international standards which specify that air waybill be marked "Cargo aircraft only". The MTB intends to change "Cargo only aircraft" to read "Cargo aircraft only" each time it appears throughout the regulations in the final rulemaking to this notice.	To revise § 172.203(f) to read: (f) *Transportation by air.* When a package containing a hazardous material is offered for transportation by air and this subchapter prohibits its transportation aboard passenger-carrying aircraft, the words "Cargo aircraft only" must be entered after the basic description.
§ 172.502	To allow the use of IMCO or United Nations placards in addition to the required DOT placards on portable tanks, freight containers, motor vehicles and rail cars.	To revise the introductory text of § 172.502(a) and to add paragaph (c) to read: (a) Except as provided in paragraph (c) of this section, no person may affix or display on a portable tank, freight container, motor vehicle or rail car any placard described in this subpart unless— (c) The restriction in paragaphs (a) and (b) of this section does not apply to portable tanks, freight containers, motor vehicles or rail cars placarded in conformance with—(1) Any United Nations recommendation in the document entitled "Transport of Dangerous Goods, (1977)" or (2) The requirements of the International Maritime Dangerous Goods Code (IMCO Code).
§ 173.63(a)(3)	To delete the reference to nitrocarbonitrate and replace it with the words "a material classed as a blasting agent". This charige was inadvertently omitted by Docket HM-143.	To revise § 173.63(a)(3) to read: (3) Specification 23F or 23H (§ 178.214 or § 178.219 of this subchapter). Fiberboard boxes having one inside 26-gauge metal container, measuring not over 8 inches in diameter and 31 inches long, containing high explosives (ammonium dynamite core) surrounded by a material classed as a blasting agent. Authorized gross weight not to exceed 65 pounds.
§ 173.93(a)(4)	Referenced paragraph authorizes certain Class B explosives to be shipped in tight metal cases in tight wooden boxes free from loose knots and cracks or tight metal containers. Gross weight not to exceed 200 pounds. Confusion exists as to whether a two part packaging system is required or whether two distinct packaging systems are authorized.	To revise § 173.93(a)(4) to read: (4) Tight metal cases in tight wooden boxes, not over 200 pounds gross weight; or tight metal containers not over 200 pounds gross weight.
§ 173.157(a)(3)	To delete the reference to asbestos as an authorized cushioning material. This action is necessary because asbestos is now listed as a hazardous material in 49 CFR.	To revise § 173.157(a)(3) to read: (3) Specification 12B (§ 178.205 of this subchapter). Fiberboard box with inside fiber containers securely closed by taping or gluing, or with securely closed inside paper bags lined with polyethylene at least 0.002 inch thick. Net weight (dry weight) in each inside container may not exceed 1 pound. Except for lauroyl peroxide, wet, each inside container must be surrounded by an appropriate fire-resistant cushioning material. Gross weight in specification 12B65 fiberboard boxes may exceed 65 pounds, but may not exceed 80 pounds, provided the net weight (dry weight) of the contents does not exceed 50 pounds.
§ 173.157(a)(5)	To delete the reference to asbestos as an authorized cushioning material.	To revise § 173.157(a)(5) to read: (5) Specification 12B (§ 178.205 of this subchapter). Fiberboard box with securely closed inside plastic containers made of polyethylene film at least 0.004 inch thick. Net weight (dry weight) in each inside container may not exceed 25 pounds. Each inside container must be surrounded by an appropriate fire-resistant cushioning material. Authorized only for benzoyl peroxide.
§ 173.157(b)(1)	To delete the reference to asbestos as an authorized cushioning material.	To revise § 173.157(b)(1) to read: (1) Specification 12B (§ 178.205 of this subchapter). Fiberboard box with securely closed inside paper bags lined with polyethylene at least 0.002 inch thick. Net weight (dry weight) in each bag may not exceed 1 pound. Each bag must be surrounded by an appropriate fire-resistant cushioning material.

Proposed Amendments of Hazardous Materials Regulations—Continued

Regulation affected	Reason(s) for proposed change	Proposed amendment
§ 173.157(b)(3)	To delete the reference to asbestos as an authorized cushioning material.	To revise § 173.157(b)(3) to read: (3) Specification 12B (§ 178.205 of this subchapter). Fiberboard box with securely closed inside plastic containers make of polyethylene film at least 0.004 inch thick. Net weight (dry weight) in each inside container may not exceed 25 pounds. Each inside container must be surrounded by an appropriate fire-resistant cushioning material. Net weight (dry weight) in each outside box may not exceed 50 pounds.
§ 178.158(a)(1)	To delete the reference to asbestos as an authorized cushioning material.	To revise § 173.158(a)(1) to read: (1) Specification 15A or 15B (§ 178.168 or § 178.169 of this subchapter). Wooden boxes, with inside fiber containers securely closed by taping or gluing, or inside securely closed paper bags lined with 0.002 inch thick polyethylene, not over 1 pound capacity each. Except for lauroyl peroxide, dry, each inside container must be surrounded by an appropriate fire-resistant cushioning material. Net weight in outside container must no exceed 50 pounds, except that for lauroyl peroxide, dry, net weight not over 100 pounds is authorized.
§ 173.158(a)(3)	To delete the reference to asbestos as an authorized cushioning material.	To revise § 173.158(a)(3) to read: (3) Specification 12B (§ 178.205 of this subchapter). Fiberboard boxes, with inside fiber containers securely closed by taping or gluing, or inside securely closed paper bags lined with polyethylene not less than 0.002 inch thick, not over 1 pound capacity each. Except for lauroyl peroxide, dry, each inside container must be surrounded by an appropriate fire-resistant cushioning material which will protect the contents with equal efficiency. Gross weight in Spec. 12B65 boxes may be more than 65, but not more than 80 pounds, provided net weight of content does not exceed 50 pounds.
§ 173.178(a)(1)	To authorized shipments of calcium carbide in water-tight metal drums having a maximum rated capacity of 60 gallons instead of 55 gallons. Information on file from the Union Carbide Corporation indicates that calcium carbide drums in current use are rated at 58 gallons and hold 600 pounds net weight.	To revise the last sentence in § 173.178(a)(1) to read: Maximum rated capacity may not exceed 60 gallons.
§ 173.191(a)(4)	To delete the reference to cancelled Specification 28A. Specification 1B, 1C, 1E, 28, 28A, 31, 34B, and 43A, were deleted from Part 178 by HM-117 on March 12, 1979, and in some instances certain specification references were inadvertently omitted in Part 173.	To delete § 173.191(a)(4).
§ 173.245(a)(8)	To delete the reference to cancelled Specification 28.	To delete § 173.245(a)(8).
§ 173.245(a)(11)	To delete the reference to cancelled Specification 43A.	To delete § 173.245(a)(11).
§ 173.249(a)	To list all of the commodities named in § 173.249(a) in paragraph (b) of that section.	To revise § 173.249(b) to read: Alkaline corrosive liquids, n.o.s.; alkaline liquids, n.o.s.; alkaline corrosive battery fluid; potassium fluoride solution; potassium hydrogen fluoride solution; sodium aluminate, liquid sodium hydroxide solution; potassium hydroxide solution, and boiler compound, liquid solution, when offered for transportation by aircraft must be packaged as follows (also authorized for transportation by rail freight, highway or water).
§ 173.252(g)(3)	To authorize the use of other types of metal cans in addition to the presently authorized tinplate slipcover metal can. The present wording was taken from two special permits which were issued in 1961 and 1966 and is now considered to be more restrictive than needed for safety reasons.	To revise the second sentence in § 173.252(g)(3) to read: Each bottle must be enclosed in a strong metal can surrounded by incombustible cushioning material.
§ 173.253(a)(2)	To delete the reference to a cancelled specification and to add an authorization to use DOT Specification 1M glass carboys.	To revise § 173.253(a)(2) to read: (2) Specification 1M (§ 178.17 of this subchapter) Glass carboys in expended polystyrene packagings. Not authorized for transportation by aircraft.
§ 173.257(a)(2)	To delete the reference to cancelled Specification 43A.	To delete § 173.257(a)(2).
§ 173.261(b)(2)	To delete the reference to asbestos as an authorized cushioning material.	To revise § 173.261(b)(2) to read: (2) Fire-estinguisher charges, consisting of chlorosulfonic acid in a hermetically sealed bottle not exceeding 2 ounces capacity, securely packed in a metal container inclosed in another metal container, the inner metal container being cushioned in the outer metal container with an appropriate fire-resistant cushioning material and the completed package embedded in potassium carbonate in outside fiberboard or wooden boxes.
§ 173.264(a)(1)	To remove obsolete packagings. The MTB believes that DOT Specification 15A, 15B, 15C, 16A, and 19A packagings are not being used in this service.	To delete § 173.264(a)(1)
§ 173.264(a)(7) and notes thereto	To remove obsolete packaging. The MTB believes that DOT Specification 5A is not being used in this service.	To delete § 173.264(a)(7) and Notes 2, 3, 4, and 5.

Proposed Amendments of Hazardous Materials Regulations—Continued

Regulation affected	Reason(s) for proposed change	Proposed amendment
§ 173.264(a)(8)	To remove obsolete packagings. The MTB believes that DOT Specification 103A, 105A100, and ARA-IV tank cars are not being used in this service.	To revise § 173.264(a)(8) to read: (8) Specification 103AW, 105A100W, 111A100F2, 111A60W2, 111A100W4 (§§ 179.100, 179.101, 179.200, 179.201 of this subchapter). Unlined metal tanks which have been subjected to adequate passivity or neutralization process. (See Note 1 to paragraph (a)(7) of this section). Authorized only for hydrofluoric acid of 60 to 80 percent strength. If tanks are washed out with water they must be resubjected to passivity before reshipment.
§ 173.264(a)(10) and notes thereto	To remove obsolete packagings. The MTB believes that DOT Specification 5D is not being used in this service.	To delete § 173.264(a)(10) and Notes 1, 2, and 3.
§ 173.264(a)(11)	To remove obsolete packagings. The MTB believes that DOT Specification 103B is not being used in this service.	To revise § 173.264(a)(11) to read: (11) Specification 103BW, 111A100W4, or 111A60W5 (§§ 179.200, 179.201 of this subchapter). Tank cars, rubber-lined tanks. Authorized only for acid not over 40 percent strength except Specification 111A100W4 tanks are authorized only for acid of 70 percent strength.
§ 173.264(a)(19)	To remove inside Specification 2TL and add specification 2U. The MTB believes that the 2TL container is not being used in this service. However, the MTB has issued four exemptions authorizing the use of Specification 12P with two inside specification 2U polyethylene containers of not over 2½-gallon capacity each.	To revise § 173.264(a)(19) to read: (19) Specification 12P (§ 178.211 of this subchapter). Fiberboard boxes with one inside specification 2U (§ 178.24 of this subchapter) polyethylene container of not over 5-gallon capacity or two inside specification 2U polyethylene containers of not over 2½-gallon capacity each. Authorized only for acid of 48 to 52 percent.
§ 173.266(c)(4)	To delete the reference to asbestos as an authorized cushioning material	To revise § 173.266(c)(4) to read: (4) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 178.168, 178.169, 178.170, 178.185, or § 178.190 of this subchapter). Wooden boxes with inside containers of polyethylene, or other plastic material resistant to the lading, not over 1 pint capacity or 16 ounces by weight each. Inside containers must be securely cushioned with an appropriate fire-resistant cushioning material.
§ 173.267(c)(3)	To delete the reference to asbestos as an authorized cushioning material	To revise § 173.267(c)(3) to read: (3) Each bottle must be placed in a tightly closed metal container and well cushioned therein on all sides with incombustible mineral packing material, such as whiting, mineral wool, infusorial earth (kieselguhr), sifted ashes or powdered china clay, etc. The metal container must be packed in the outside container, and well cushioned by incombustible mineral packing material.
§ 173.268(h)	To delete the reference to asbestos as an authorized cushioning material	To revise § 173.268(h) to read: (h) Cushioning inside containers. Inside containers must be well cushioned. Except as provided in subparagraph (1) of this paragraph, all material for cushioning must be incombustible mineral material such as whiting, mineral wool, infusorial earth (kieselguhr), sifted ashes, etc. The use of hay, excelsior, ground cork, or similar material, whether treated or untreated, is prohibited. Where the cushioning material is very fine or powdery, separate partitions for the individual inside containers shall be provided to prevent the bottles from shifting and coming in contact with each other, and the box must be tight to prevent sifting of cushioning material.
§ 173.268(i)(3)	To delete references to asbestos as an authorized cushioning material	To revise § 173.268(i)(3) to read: (3) Each bottle must be placed in a tightly closed metal container, and well cushioned therein on all sides with incombustible mineral packing material, such as whiting, mineral wool, infusorial earth (kieselguhr), sifted ashes, or powdered china clay, etc. The metal container must be packed in outside containers, and well cushioned by incombustible mineral packing material.
§ 173.269(e)	To delete the reference to asbestos as an authorized cushioning material	To revise § 173.269(e) to read: (e) Inside containers must be well cushioned. All material for cushioning must be incombustible mineral material, such as whiting, mineral wool, infusorial earth (kieselguhr), sifted ashes, or powered china clay, etc. The use of hay, exclesior, ground cork, or similar material either treated or untreated, is prohibited. Where the cushioning material is very fine or powdery, separate partitions for the individual inside containers should be provided to prevent the bottles from shifting and coming in contact with, each other, and the box must be tight to prevent sifting of cushioning material.
§ 173.271(a)	To authorize the shipment of phosphorus oxychloride in DOT Specification 1M glass carboys. This commodity is presently being shipped in a similiar type of packaging under DOT-E 4390.	To add paragraph (19) to § 173.271(a) to read: (19) Specification 1M (§ 178.17 of this subchapter). Glass carboys in expanded polystyrene packagings. Authorized only for phosphorus oxychloride. Not authorized for transportation by aircraft.

Proposed Amendments of Hazardous Materials Regulations—Continued

Regulation affected	Reason(s) for proposed change	Proposed amendment
§ 173.274(a)(1), Note 1	To delete the reference to asbestos as an authorized cushioning material.	To revise Note 1 in § 173.274 to read: NOTE.—Bottles manufactured of Pyrex glass or glass of equal acid resistance, authorized only for material containing an excess of sulfur trioxide, with Pyrex glass stoppers, or glass stoppers of equal acid resistance, ground to fit and held in place by plaster of Paris covered by strong cloth securely tied; each bottle must be placed in a metal container, well cushioned therein with an appropriate fire-resistant cushioning material.
§ 173.287(b)(4)	To delete the reference to asbestos as an authorized cushioning material.	To revise § 173.287(b)(4) to read: (4) Specification 12A or 12B (§§ 178.210, 178.205 of this subchapter). Fiberboard box with one inside glass container not over 4 fluid ounces capacity, packed in a wax-lined cylindrical fiber carton with metal ends. The bottle closure must consist of a tightly secured, fitted, ground glass stopper. Space between the bottle and the inner surface of the fiber cylinder must be filled with an appropriate fire-resistant cushioning material in sufficient quantity to completely absorb the contents of the bottle in the event of breakage. Not authorized for solutions containing nitric acid.
§ 177.838(a), Last sentence	To delete the requirement that motor vehicles transporting flammable solids or oxidizing materials have to be covered by tarpaulins or other suitable means when in water-tight bulk containers.	To amend § 177.838(a) by changing the last sentence to read: Shipments in water-tight bulk containers do not have to be covered by a tarpaulin.
§ 178.172-18	To correct two typographical errors.	To revise § 178.172-18(a) to read: (a) Box shall be securely closed. Nails, if used, shall be as prescribed in §§ 178.172-9, 178.172-10, 178.172-11, and 178.172-12.
§ 178.0-3	An amendment to the IMCO Code which became effective on March 1, 1980, provides for the marking of a United Nations (UN) symbol and packaging identification code on packagings. The purpose of these markings is to certify compliance with the packaging testing and construction provisions contained in Annex I of the IMCO Code. While the United States does not require the application of these markings, or consider this marking provision to apply to existing types and designs of packagings (which may continue in use under the "grandfather" provision of the preamable of Annex I to the IMCO Code) it is, nevertheless, likely that many shippers and packaging manufacturers will desire to apply the UN symbol and packaging identification code to packagings in order to facilitate the movement of these packagings in international transportation.	To add § 178.0-3 to read: § 178.0-3 United Nations symbol and packaging identification code. In addition to the markings required by this subchapter, packagings may be marked with the United Nations symbol and packagings identification code as provided in Annex I of the IMCO Code, provided the person applying these markings has established that the packaging conforms to the applicable provisions of Annex I of the IMCO Code.
§ 179.201-7(b), First sentence	To increase the vent bursting pressure to not more than 100 percent of tank test pressure.	To revise the first sentence of § 179.201-7(b) to read: (b) Safety vents, if used, shall be of approved design, at least 1-¾ inches inside diameter, made of material not subject to rapid deterioration by the lading, and closed with a frangible disc of lead or other approved material of a thinkness that will burst at not more than 100 percent of tank test pressure.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, App. A to Part 1 and paragraph (a)(4) of App. A to Part 106)

Note.—The Materials Transportation Bureau has determined that this document will not have a major impact under Executive Order 12044 and DOT implementing procedures (44 FR 11034), nor an environmental impact under the National Environmental Policy Act (49 U.S.C. 4321 et seq.). A regulatory evaluation is available for review in the docket.

Issued at Washington, D.C., on April 7, 1980.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transporation Bureau.

[FR Doc. 80-11199 Filed 4-11-80; 8:45 am]

BILLING CODE 4910-60-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1461-7]

Approval and Promulgation of Michigan Implementation Plan—Carbon Monoxide and Ozone

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: On April 25, 1979, the State of Michigan submitted to USEPA a portion of its revised State Implementation Plan (SIP) pursuant to Part D of the Clean Air Act as amended in 1977. The purpose of this notice is to discuss the results of USEPA's review of the carbon monoxide and ozone attainment demonstrations and transportation control plan portions of the Michigan SIP, to propose rulemaking action on these portions and to invite public comment.

DATE: Comments on these revisions and on proposed USEPA action on the revisions are due on or before May 14, 1980.

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

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

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

Michigan Department of Natural Resources, Air Quality Division, State Secondary Government Complex, General Office

Building, 7150 Harris Drive, Lansing, Michigan 48917.

WRITTEN COMMENTS SHOULD BE SENT TO: Mr. 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: Judy Kertcher, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886–6038.

SUPPLEMENTARY INFORMATION:

General Information

USEPA announced receipt and availability for public inspection of the April 25, 1979, proposed revisions in the August 13, 1979 **Federal Register** (44 FR 47350). At that time USEPA indicated that a subsequent notice would be published to discuss USEPA's review of and proposed action on the Michigan submittal. Additionally, on October 26, 1979, November 8, 1979, and on December 26, 1979, the State submitted additions and amendments to the ozone and carbon monoxide portions of its revised SIP. USEPA announced receipt and availability of these additional materials in the March 14, 1980 **Federal Register** (45 FR 16504).

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

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

On March 3, 1978 (43 FR 8962) and October 5, 1978 (43 FR 45993), pursuant to the requirements of section 107 of the Clean Air Act (Act) as amended, USEPA designated certain areas in each State as not meeting the National Ambient Air Quality Standards (NAAQS) for carbon monoxide and ozone. These areas are delineated at 40 CFR Part 81. Part D of the Act, which was added by the 1977 Amendments, requires each State to revise its State Implementation Plan (SIP) to meet specific requirements for areas designated as nonattainment. These SIP revisions must demonstrate attainment of the primary standard as expeditiously as practicable, but not later than December 31, 1982. Under certain conditions that date may be extended to no later than December 31, 1987, for ozone and/or carbon monoxide.

On April 25, 1979, the State of Michigan submitted plans for all of the designated ozone and/or carbon monoxide nonattainment areas in the State. Additional material concerning ozone attainment was submitted by the State on October 26, 1979, and on November 8, 1979. On December 26, 1979, the State of Michigan submitted Transportation Control Plans (TCPs) for the Grand Rapids, Lansing, Flint and Detroit urban areas. The Grand Rapids TCP was developed by the Grand Rapids and Environs Transportation Study (GRETS) Technical and Policy Committees; the Lansing TCP was developed by the Tri-County Regional Planning Commission (TCRPC); the Flint TCP was developed by the Genesee-Lapeer-Siawassee Region V Planning and Development Commission (GLSRPDC) Executive Committee; and the Detroit TCP was developed by the Southeast Michigan Council of Governments (SEMCOG). Each of these agencies has been designated pursuant to section 174 of the Clean Air Act as the lead local agency for coordinating, developing, and implementing control measures in the plan.

The local plans were adopted in Grand Rapids on October 31, 1979 (Technical Committee) and November 7, 1979 (Policy Committee); in Lansing on November 28, 1979; in Flint on November 21, 1979; and in Detroit on November 30, 1979.

Each of the TCPs contains measures designed to attain and maintain the National Ambient Air Quality Standards (NAAQS) for ozone and carbon monoxide. The plans for Grand Rapids, Lansing, and Flint demonstrate attainment of the ozone standards by December 31, 1982. The plans for the Detroit urban area, consisting of Wayne, Monroe, Washtenaw, Livingston, Oakland, Macomb and St. Clair Counties, demonstrate that attainment of the ozone standard cannot be achieved by December 31, 1982, and the State of Michigan has requested a five year extension under Section 172(a)(2) of the Clean Air Act for those counties. The plans also demonstrate that portions of Wayne, Oakland, and Macomb Counties cannot attain the carbon monoxide NAAQS by December 31, 1982, and the State of Michigan has requested a five year extension for these areas as well.

In the August 13, 1979 **Federal Register** (44 FR 47355) USEPA proposed approval on two areas of the Michigan SIP revisions on transportation:

(1) A description of the program planning process which describes the steps involved in the identification, evaluation, selection, adoption and implementation of specific transportation control strategies.

(2) An identification of the estimated financial resources necessary to carry out the process.

Final action on these two areas, along with today's proposed rulemaking, will be taken at a later date.

The purpose of this notice is to discuss the result of USEPA's review of the transportation control measures and demonstrations of attainment, to propose rulemaking on those portions of the Michigan SIP revision, and to invite public comment. A thirty day comment period is being used to enable publication of final action of the SIP revisions as soon as possible because of the July 1, 1979 statutory deadline in Section 172 of the Clean Air Act, and because notice of public availability of the SIP revisions was published in the **Federal Register** on August 13, 1979 and March 14, 1980.

Requirements for Transportation Control Plans and Demonstrations of Attainment

The transportation control plans for the four urban areas idenify transportation strategies that will reduce mobile source hydrocarbon emissions and demonstrate attainment of the ozone standard by December 31, 1982 for Grand Rapids, Lansing and Flint, and by December 31, 1987 for Detroit. The Detroit plan includes transportation measures to reduce emissions of carbon monoxide, and demonstrate attainment of the carbon monoxide standards in portions of

Wayne, Oakland and Macomb Counties by December 31, 1987.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

USEPA has reviewed each of the four transportation control plans and attainment demonstrations to determine if they have satisfied these requirements and a discussion of the review for each metropolitan area follows. USEPA proposes to approve the transportation control plans and the ozone attainment demonstrations for the Flint, Grand Rapids and Lansing urban areas, the transportation control plans for the Detroit urban area, and the ozone control strategy for the 24 rural ozone nonattainment counties in Michigan. The carbon monoxide and ozone attainment demonstrations for the Detroit urban area will be addressed in a separate **Federal Register** notice.

Transportation Control Plans and Attainment Demonstrations for Carbon Monoxide and Ozone

In each urban nonattainment area the designated lead local agency, in conjunction with the Michigan Department of Natural Resources (MDNR) and the Michigan Department of Transportation (MDOT), developed the control strategy. These strategies are designed to ensure attainment of the ozone NAAQS for the four urban areas and of the carbon monoxide NAAQS for portions of Wayne, Macomb, and Oakland Counties. As part of the control strategy, the State submitted revised regulations for controlling hydrocarbon emissions from stationary sources, transportation control plans and, for the Detroit urban area which requested a five year extension for attainment of the CO and ozone NAAQS, a vehicle inspection and maintenance (I/M) program. Final action to conditionally approve the State's hydrocarbon control strategy for stationary sources will be published in a separate **Federal Register** notice. Also, the I/M program for the Detroit urban area will be addressed in a separate **Federal Register** notice.

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

Urban Area	*Counties*
Flint	Genesee
Lansing	Ingham, Clinton and Eaton
Grand Rapids	Kent
Detroit	Wayne, Livingston, Macomb, Washtenaw, Monroe, Oakland, and St. Clair

Flint Urban Area

Based on measured violations of the ozone National Ambient Air Quality Standard (NAAQS) occurring during the years 1975, 1976 and 1978, Genesee County, Michigan was designated as a nonattainment area for ozone. The Genesee-Lapeer-Shiawassee Region V

Planning and Development Commission, Executive Committee, as the designated lead local agency for the area, in conjunction with the Michigan Department of Natural Resources (MDNR) and the Michigan Department of Transportation (MDOT) prepared the control strategy and transportation control plan for the area. The transportation control measures are designed to yield further reductions of hydrocarbon emission levels.

The control strategy demonstrates attainment of the ozone NAAQS by December 1982 with reduced hydrocarbon emissions occurring as a result of the Federal Motor Vehicle Control Program (FMVCP) and implementation of controls on stationary sources. Final action to conditionally approve the hydrocarbon control strategy for stationary sources will be published in a separate **Federal Register** notice. This notice addresses the transportation control measures and the ozone demonstration of attainment.

In the August 13, 1979 **Federal Register** (44 FR 47355) USEPA stated that to be fully approvable, the completed transportation portion of the plan must identify initial emission reduction targets. On November 21, 1979, and on December 12, 1979, respectively, the Genesee County Metropolitan Alliance and the Genesee-Lapeer-Shiawassee Region V Planning and Development Commission Executive Committee resolved to seek Reasonable Available Control Measures to achieve reductions in hydrocarbon emissions from mobile sources of between one-half of one percent and one percent between 1977 and 1982. The transportation control plan for the Flint urban area contains representative strategies already adopted and to be implemented between 1979 and 1982. The table below identifies the projects, implementors and the emission reductions associated with the projects.

Strategy	Implementor(s)	Annual emission reduction
Improve public transit	Mass Transit Authority (MTA), Davidson Area Transportation Service.	4.3 tons of HC through 1982.
Improve traffic flow; Upgrading signals on Fifth Avenue	City of Flint	14.6 tons of HC through 1982.
Widening the Grant Travern and Garland Street intersections		
Removing parking at Detroit intersection		
Increase vehicle occupancy, Ridersharing activities (2 percent reduction in vehicle miles traveled).	Mass Transit Authority, Genesee County Metropolitan Planning Commission, Region V Planning and Development Commission.	206 tons of HC through 1982.
Reduce travel demand, Bicycle program	No agency action needed.	2.5 tons of HC through 1982.

USEPA has reviewed the control strategy and ozone attainment demonstration developed for the Fint urban area. (A document which details USEPA's complete review is available for inspection at the USEPA Region V Office.) The transportation control plan and the attainment demonstration portions of the control strategy satisfy all of the nine requirements previously described for an approvable nonattainment area SIP. Therefore, USEPA proposes to approve all of the portions of the transportation control plan and the ozone attainment demonstration for the Flint urban area.

Lansing Urban Area

Although no monitored violations have been recorded, the Lansing urban area is designated as nonattainment for the ozone standard in the October 5, 1978 **Federal Register** (43 FR 46010). Absence of monitored violations is probably due to lack of proper monitoring in the area, and the designation is based on the fact that all other major urban areas in the State, including those of similar size (Grand Rapids and Flint) are showing violations of the ozone standard. The Tri-County Regional Planning Commission, as the designated lead local agency for the area, in conjunction with MDNR and MDOT, prepared the control strategy and the transportation control plan for the Lansing urban area, which includes portions of Ingham, Clinton and Eaton Counties. The transportation control measures are designed to yield further reduction of hydrocarbon emission levels.

The control strategy demonstrates attainment of the ozone NAAQS by December 31, 1982, with reduced hydrocarbon emissions occurring due to use of the Federal Motor Vehicle Control Program (FMVCP) and implementation of controls on stationary sources. Final action to conditionally approve the hydrocarbon control strategy for stationary sources will be published in a separate **Federal Register** notice. This notice addresses the transportation control measures and the ozone demonstration of attainment.

Emission reduction targets were required by USEPA as stated in the August 13, 1979 **Federal Register** (44 FR 74355). On December 5, 1979, the Tri-County Regional Planning Commission adopted a resolution to seek Reasonable Available Control Measures to achieve reductions in hydrocarbon emissions from mobile sources between one-half of one percent and one percent by December 31, 1982.

The transportation control plan for the Lansing urban area contains representative transportation control strategies already adopted which are to be implemented between 1979 and 1982. The following table identifies the project, implementors and the emission reductions associated with the projects.

Strategy	Implementor	Annual emission reduction
Improve transit service, Adjustment of Headways on route No. 1	Capital Area Transportation Authority (CATA).	1.1. tons of HC through 1982.
Improve traffic flow, Upgrade Logan Street	MDOT	9.8 tons of HC through 1982.
Increase vehicle occupancy, Vanpool/carpool program (5 percent employer population).	CATA	38.7 tons of HC through 1982.
Reduce travel demand, Bicycle system improvements along Grand River	MDOT	.02 tons of HC through 1982.

USEPA has reviewed the control strategy and ozone attainment strategy developed for the Lansing urban area. (A document which details USEPA's complete review is available for inspection at the USEPA Region V Office.) The transportation control plan and the attainment demonstration portions of the control strategy satisfy all of the nine requirements previously described for an approvable nonattainment area SIP. Therefore, USEPA proposes to approve all portions of the transportation control plan and the ozone attainment demonstration for the Lansing urban area.

Grand Rapids Urban Area

Based on measured violations of the ozone NAAQS occurring in the years 1976–1978 inclusive, Kent County, Michigan was designated as a nonattainment area for ozone. The Grand Rapids and Environ Transportation Study (GRETS) Technical Committee and the GRETS Policy Committee, as the designated lead local agency for the area, in conjunction with the MDNR and MDOT prepared the control strategy and transportation control plan for the area. The transportation control measures are designed to yield further reductions of hydrocarbon emission levels.

The control strategy demonstrates attainment of the ozone NAAQS by December 31, 1982. Reduction of hydrocarbon emissions is predicted due to use of the Federal Motor Vehicle Control Program (FMVCP) and implementation of controls on stationary sources. Final action to conditionally approve the hydrocarbon control strategy for stationary sources will be published in a separate **Federal Register** notice. This notice addresses the transportation control measures and the ozone demonstration of attainment.

Emission reduction targets were required by USEPA as stated in the August 13, 1979 **Federal Register** (44 FR 47355). On October 31, 1979 and November 7, 1979, respectively, the GRETS Technical Committee and the GRETS Policy Committee resolved to establish and commit to an initial hydrocarbon emission reduction target of one-half of one percent to one percent by 1982.

The transportation control plan for the Grand Rapids urban area contains representative control strategies already adopted which are to be implemented between 1979 and 1982. The following table identifies the project implementors and the emission reductions associated with the projects.

Strategy	Implementor	Annual emission reduction
Improve public transit	Grand Rapids Area Transportation Authority.	7.28 tons of HC through 1982.
Improve traffic flow improve East Beltline	MDOT	8.1 tons of HC through 1982.
Increase vehicle occupancy vanpool program (25 vans in Employer Program).	West Michigan Regional Planning Commission.	23.0 tons of HC through 1982.
Reduce vehicle miles traveled Bikeway along M. 45	Kent County Road Commission.	.05 ton of HC through 1982

USEPA has reviewed the control strategy and ozone attainment demonstration developed for the Grand Rapids urban area. (A document which details USEPA's complete review is available for inspection at the USEPA Region V Office.) The transportation control plan and the attainment demonstration portions of the control strategy satisfy all of the nine requirements previously described for an approvable nonattainment area SIP. Therefore, USEPA proposes to approve all portions of the transportation control plan and the ozone attainment demonstrations for the Grand Rapids urban area.

Detroit Urban Area

Based on measured violations of the ozone NAAQS occurring during the years 1975–1978 inclusive, Wayne, Monroe, Washentaw, Livingston, Oakland, Macomb and St. Clair Counties were designated as nonattainment areas for ozone. Additionally, based on measured violations of the 8-hour primary carbon monoxide NAAQS in 1975–1977 inclusive, portions of Wayne, Oakland and Macomb Counties were designed as nonattainment areas for carbon monoxide. These areas are delineated at 40 CFR Part 81. The Southeast Michigan Council of Governments (SEMCOG), as the designated lead local agency for the area, prepared the control strategy for the area in conjunction with MDNR and MDOT. The control strategy contains transportation control plans which are designed to reduce the level of carbon monoxide and hydrocarbon emissions in the Detroit urban area.

The strategy developed by SEMCOG does not predict attainment of either the carbon monoxide or the ozone NAAQS by December 31, 1982. However, the strategy projects that the necessary reduction in hydrocarbon emissions required to ensure attainment of the ozone NAAQS in the area will be achieved by December 31, 1987. Since attainment of the NAAQS for these two pollutants cannot be demonstrated by 1982, despite the application of all reasonably available control measures, the State of Michigan has requested a five year extension, until December 31, 1987.

For those areas requesting such an extension, the Act requires the implementation of certain additional measures. These additional measures are: (1) a schedule for the development, adoption, and implementation of a vehicle emissions control inspection and maintenance (I/M) program, (2) the establishment of a program for the analysis of alternatives for those sources proposing to locate in the area, (3) the identification of other measures necessary to provide for attainment of the NAAQS by December 31, 1987, (4) a commitment to establish, expand, and improve public transportation to meet basic transportation needs. USEPA will discuss the carbon monoxide and ozone attainment demonstrations for the Detroit urban area, as well as the State's proposed I/M program, in a separate **Federal Register** notice.

The program for the analysis of alternatives is contained in the State's New Source Review (NSR) program for those sources proposing to locate in the area. Final approval of the NSR program will be published in a separate **Federal Register** notice.

Emission reductions will be achieved through the implementation of controls on hydrocarbon emissions from stationary sources, the use of the Federal Motor Vehicle Control Program (FMVCP), additional Transportation Control Measures and a Vehicle Inspection/Maintenance (I/M) program. Final action to conditionally approve the hydrocarbon control strategy for stationary sources will be published in a separate **Federal Register** notice. This notice discusses the transportation control measures for the Detroit urban area.

In the August 13, 1979 **Federal Register** (44 FR 47355) USEPA stated that to be fully approvable, the completed transportation portion of the Detroit plan must contain a description of how the analysis of emission control strategies will be undertaken and a

schedule for the study, adoption and implementation of control strategies. SEMCOG has committed to a revised planning process which prioritizes transportation projects which have a beneficial air quality impact. The planning process relies on methodologies included in an USEPA–MDOT contractor-produced handbook. The handbook for assessing transit and other transportation systems management measures includes strategies to improve mass transit ridership and meet basic transportation needs. The State of Michigan has submitted a detailed work program for the transportation air quality planning activities SEMCOG will undertake, including a schedule for the study and adoption of transportation air quality measures as follows:

Milestone	Date
Completion of alternative analysis process.	December 1980.
Amendment of regional TSM element to include specific transportation-air quality policies.	June 1981.
Adoption of project implementation schedules for inclusion in the 1982 SIP revision.	June 1982.

USEPA proposes to approve this schedule and the description of the analytical procedures to be used in the evaluation of transportation measures as satisfying section 172(b)(2) of the Clean Air Act which requires that all reasonable transportation measures be evaluated and considered for implementation.

Initial reduction targets were identified and submitted by the MDNR in the form of a resolution passed by the Executive Committee of SEMCOG on November 30, 1979. The Committee resolved to achieve, through transportation imporvements, the following emission reduction targets:

Pollutant	Percent	
	1982	1987
Hydrocarbon	2.0	3.0
Carbon monoxide	2.5	4.0

The base levels of emissions for 1982 and 1987 represent mobile source emissions without transportation improvements. The percentage in each case is the reduction from the base level as a result of implementing transportation improvements.

USEPA proposes to approve these targets as satisfying the requirements of section 172(b)(10) of the Clean Air Act.

In the August 13, 1979, **Federal Register** (44 FR 47355), USEPA stated that to be fully approved the completed transportation portion of the Detroit plan must identify TSM strategies, schedules for implementation, responsible agencies and estimates of emission reduction for these projects.

On December 26, 1979, the State offically submitted on behalf of SEMCOG an analysis of representative TSM-SIP strategies in terms of their impact on emissions in 1980 as follows: These projects are already completed or will be completed (Western Wayne County Signal Optimization and Expanded Transit System) by December 1980.

Strategy	Responsible agency	Emission reduction	
		HC (tons/year)	CO (tons/year)
Western Wayne County Signal Optimization	Wayne City Road Commission.	571	6910
Vanpooling (167 vans)	SEMCOG	74.2	572
Southfield Bicycle Bridge	City of Southfield	.035–.088	.42–1.05
MDOT Carpool Lots (23 lots)	MDOT	30.0	183
Signal Interconnection Projects	Oakland County Road Commission.	20.8	245
Expanded Transit Service	Southeastern Michigan Transportation Authority.	224	1850

USEPA proposes to approve these measures at satisfying section 172(b)(11)(C) of the Clean Air Act, which requires the identification of other transportation measures necessary to provide for attainment of the ozone and carbon monoxide NAAQS by December 31, 1987.

USEPA has reviewed the control strategy developed for the Detroit urban area. (A document which details USEPA's complete review is available for inspection at the USEPA Region V Office.) USEPA proposes to approve the Detroit transportation control plan portion of the Michigan SIP as satisfying all of the nine requirements for an approvable nonattainment area SIP.

USEPA will propose action on the carbon monoxide and ozone demonstrations of attainment for Detroit in a separate **Federal Register** notice. The State has demonstrated that attainment of these standards is not possible by December 31, 1982 despite the implementation of all reasonably available control measures, and has requested an extension until December 31, 1987 for meeting the carbon monoxide and ozone NAAQS. USEPA will propose action on the State's carbon monoxide and ozone attainment demonstrations and vehicle I/M program in a separate **Federal Register** notice.

Ozone Control Strategy for Rural Nonattainment Areas

In addition to the urban nonattainment areas, twenty-four counties in Michigan have been designated as rural nonattainment areas. These include: Marquette, Muskegon, Gratiot, Midland, Saginaw, Bay, Guscola, Huron, Sanilac, Ottawa, Ionia, Shiawassee, Lapeer, Allegan, Barry, Van Buren, Kalamazoo, Calhoun, Jackson, Berrien, Cass, Branch, Hillsdale and Lenawee Counties. Although only two of the rural counties, Muskegon and Marquette, contained ozone monitors and recorded violations, the remaining rural counties were classified as nonattainment for ozone based on their proximity to the the urban nonattainment areas and the regional nature of the ozone problem.

The criteria for an approvable ozone SIP for rural nonattainment areas are described in the April 4, 1979 **Federal Register** (44 FR 20372) and are reiterated below. Although an ozone SIP must assure reasonable further progress and demonstrate attainment in all nonattainment areas, the SIP need not include a specific demonstration of attainment and reasonable further progress in rural areas. Demonstration of attainment for urban nonattainment areas, along with the requirement for reasonably available control technology (RACT) on stationary sources of hydrocarbons in all ozone nonattainment areas, should assure reasonable further progress and attainment in the rural areas by minimizing the pollutants transported from urbanized to rural areas. USEPA's final action to conditionally approve Michigan's hydrocarbon control strategy for stationary sources will be published in a separate **Federal Register** notice. This strategy include a requirement for the application of RACT for major stationary sources in Michigan's rural nonattainment counties. In addition, USEPA has proposed approval of the

ozone attainment demonstrations for the Flint, Lansing and Grand Rapids areas elsewhere in this notice. Proposed action on the carbon monoxide and ozone attainment demonstrations for the Detroit urban area will be discussed in a separate **Federal Register** notice.

USEPA has reviewed the ozone control strategy and Michigan Part D ozone SIP for the 24 rural ozone attainment counties in the State, and found that they satisfy the criteria for an approvable ozone SIP for rural nonattainment areas as described in the April 4, 1979 **Federal Register** (44 FR 20372). Therefore USEPA proposes to approve these revisions to the Michigan ozone SIP.

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

(Sections 110, 172, and 301(a) of the Clean Air Act, as amended. (42 U.S.C. 7410, 7502, 7601(c)))

Dated: April 1, 1980.

John McGuire,

Regional Administrator.

[FR Doc. 80-11153 Filed 4-11-80; 8:45 am]

BILLING CODE 6560-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1462-8]

Approval and Promulgation of Michigan State Implementation Plan; Carbon Monoxide and Ozone

AGENCY: U.S. Environmental Protection Agency.

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: On April 25, 1979, the State of Michigan submitted to the U.S. Environmental Protection Agency (USEPA) a portion of its revised State Implementation Plan (SIP) pursuant to Part D of the Lean Air Act as amended in 1977. USEPA announced receipt and availability of these proposed revisions in the August 13, 1979 **Federal Register** (44 FR 47350). At that time USEPA discussed the submittal, proposed rulemaking and inited public comment. the notice include a discussion of USEPA's review of the carbon monxide and attainment demonstrations and the vehicle emission control inspection and maintenance (I/M) program. Michigan requested a one-year extension until June 30, 1980 for obtaining legal authority to implement an I/M program. In the August 13, 1979 notice (44 FR 47350). USEPA stated that it would discuss its decision on granting that extension in a supplemental notice of proposed rulemaking.

The State submitted its response to the August 13, 1979 notice on October 12, 1979. Additional material was submitted to USEPA on October 26, 1979 and on March 20, 1980. The purpose of this notice is to discuss the results of USEPA's review of these proposed revisions, to propose rulemaking on the ozone and carbon monxide attainment demonstrations and the vehicle emissions control inspection and maintenance (I/M) program for the Detroit urban area, and to invite public comment.

DATE: Comments on these revisions and on proposed USEPA action on the revisions are due by May 14, 1980.

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

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

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

Michigan Department of Natural Resources, Air Quality Division, State Secondary Government Complex, General Office Building, 7150 Harris Drive, Lansing, Michigan 48917.

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

FOR FUTHER INFORMATION CONTACT: Judy Kertcher, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency 230 South Dearborn Street, Chicago, Illinois 60604. (312) 886-6038.

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 Qualtiy Standards (NAAQS) for carbon monoxide and ozone. Part D of the Act, which was added by the 1977 Amendments, requires each State to revise its State Implementation Plan (SIP) to meet specific requirements for areas designated as nonattainment. These SIP revisions must demonstrate attainment of the primary standard as expeditiously as practicable, but not later than December 31, 1982. Under certain conditions that date may be extended to no later than December 31, 1987, for ozone and/or carbon monoxide.

The requirements for an approvable SIP are described in a **Federal Register** notice published on April 4, 1979, (44 FR 20372). Supplements to the April 4, 1979, notice were published on July 2, 1979 (44FR 38583). August 28, 1979 (44 FR 50371), September 17, 1979 (44 FR 53761) and November 23, 1979 (44 FR 67182), discussing, among other things, additional criteria for SIP approval.

On April 25, 1979, the State of Michigan submitted plans for all of the designated ozone and/or carbon monoxide nonattainment areas in the state. Additional material concerning ozone attainment was submitted by the State on August 25, 1979, November 8, 1979, and December 26, 1979. USEPA announced receipt and availability of these addtional materials in the March 14, 1980 **Federal Register** (45 FR 16504). Also, on October 12, 1979, October 22, 1979 and March 20, 1980, the State of Michigan submitted clarifications and amendments to its vehicle I/M program.

Final action to conditionally approve the hydrocarbon control strategy for stationary sources will be published in a separate **Federal Register** notice. USEPA will propose approval of the ozone attainment demonstrations and the transportation control plans for the Flint, Lansing and Grand Rapids urban areas, and the transportation control plans for the Detroit urban area in a separate **Federal Register** notice. In the latter notice, USEPA will also propose approval of the Michigan Part D ozone SIP for the twenty-four rural ozone nonattainment counties in Michigan. The purpose of this notice is to propose rulemaking on the carbon monoxide and ozone attainment demonstrations and the vehicle I/M program for the Detroit urban area, and to invite public comment.

A thirty day comment period is being used to enable publication of final action of the SIP revisions as soon as possible because of the July 1, 1979 statutory deadline in Section 172 of the Clean Air Act, and because a prior discussion of these revisions was published in the **Federal Register** of August 13, 1979.

Requirement for a Vehicle Inspection and Maintenance Program

"Inspection/Maintenance" (I/M) refers to a program whereby motor vehicles receive periodic inspections to assess the funtioning of their exhaust emission control systems. Vehicles which have excessive emissions must then undergo mandatory maintenance. Generally, I/M programs include passenger cars, although other classes can be included as well. Vehicles which do not comply with the program requirements can be prohibited from operating on public roads by requiring proof of compliance in order to purchase license plates or to register a vehicle.

Section 172 of the Clean Air Act requires that State Implementation Plans (SIPs) for States which include nonattainment areas meet certain criteria. For areas which demonstrate that they will not be able to attain the National Ambient Air Quality Standards (NAAQS) for ozone or carbon monoxide by the end of 1982, despite the implementation of all reasonably available control measures, an extension up to 1987 may be granted. In such cases, section 172(b)(11) of the Act requires the establishment of a specific schedule for the implementation of a vehicle emission control inspection and maintenance (I/M) program.

USEPA issued guidance on February 24, 1978, on the general criteria for SIP approval, including I/M, and on July 17, 1978, regarding the specific criteria for I/M SIP approval. Both of these items are part of the SIP guidance materials referred to in the General Preamble for Proposed Rulemaking 44 FR, 23072, 20373, n.6. The July 17, 1978 Hawkins I/M policy memorandum should be consulted for details. The key elements for I/M SIP approval are as follows:

(1) Legal Authority—According to section 172(b)(10), States or local governments must have adopted the necessary statutes, regulations, ordinances or other legally enforceable documents to implement and enforce the I/M program. The legal authority must not be conditioned upon further legislative approval or any other substantial contingency. However, the legislation can delegate certain decision making to an appropriate regulatory body. For example, a state department of environmental protection or department of transportation may be charged with implementing the program, selecting the type of test procedure as well as the type of program to be used, and adopting all necessary rules and regulations. I/M legal authority must be included with any plan revision which must include I/M (i.e., a plan which establishes an attainment date beyond December 31, 1982) unless an approved extension to certify legal authority is granted by EPA.

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

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

(4) Program Effectiveness—In the July 17, 1978, Hawkins I/M policy memorandum USEPA stated that each State must commit to achieve a reduction of at least 25 percent in light duty vehicle exhaust emissions by 1987. This reduction is measured by comparing the levels of emissions projected to December 31, 1987, with and without the I/M program. This policy is based on section 172(b)(2) which states that "the plan provisions * * * shall * * * provide for the implementation of all reasonably available control measures * * *"

To be acceptable, an I/M program must achieve the requisite 25 perent reductions in both hydrocarbons and carbon monoxide exhaust emissions from passenger cars by the end of Calendar Year 1987. The Act mandated "implementation of all reasonably available control as expeditiously as practicable." (Section 172(b)(2).) At the time of passage of the Clean Air Act Amendments of 1977, several inspection/maintenance programs were already operating, including mandatory programs of New Jersey and Arizona, operating at about 20 percent stringency. (The stringency of a program is defined as the initial proportion of vehicles which would have failed the program's standards if the affected fleet has not undergone I/M before. Because some motorists tune their vehicles before I/M tests, the actual proportion of vehicles failing is usually a smaller number than the stringency of the program.)

Depending on program type (private garage or centralized inspection), a mandatory I/M program may be implemented as late as December 31, 1982, and the attainment date may be as late as December 31, 1987. Based on an implementation date of December 31, 1982, and a 20 percent stringency factor, USEPA predicts the reductions of both carbon monoxide and hydrocarbon exhaust emissions of 25 percent can be achieved by December 31, 1987. Earlier implementation of I/M will produce greater emission reductions.

Thus, because of the Act's requirement for the implementation of all reasonably available control measures and because New Jersey and Arizona have effectively demonstrated practical operation of I/M programs with 20 percent stringency factors, it is USEPA policy to use a 25 percent emission reduction as the criterion to determine compliance of the I/M portion with section 172(b)(2).

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

Michigan's Inspection and Maintenance Program

The State of Michigan has demonstrated that attainment of the National Ambient Air Quality Standards (NAAQS) for carbon monoxide and ozone in the Detroit urban areas is not possible by December 31, 1982, despite the implementation of all reasonable emission control measures. Therefore, the State has requested an extension until December 31, 1987 for the Detroit area. According to the requirements of section 172(b)(1) of the Act, a schedule for implementation of an I/M program is required to grant such an extension. In a letter dated April 25, 1979, accompanying the State's SIP submission, the Govenor of Michigan requested an extension of the statutory deadline and submitted the State's proposal for a vehicle I/M program for the Detroit area.

The April 25, 1979 submittal was discussed in the August 13, 1979 **Federal Register** (44 FR 47350). At that time, USEPA noted deficiencies in the Michigan plan, proposed rulemaking and invited public comment. On October 12, 1979, the State responded to USEPA's notice of proposed rulemaking. Also on October 26, 1979 and March 20, 1980 the State submitted additional materials on its proposed I/M program. On April 3, 1980 the Michigan Legislature passed an I/M bill, which as of the date of this notice has not yet been signed by the Governor or formally submitted to USEPA.

The purpose of this notice is to discuss USEPA's review of these subsequent submittals and the I/M bill

passed by the Michigan Legislature, to propose rulemaking on the carbon monoxide and ozone attainment demonstrations and vehicle I/M program for the Detroit urban area, and to invite public comment.

In the August 13, 1979 **Federal Register** (44 FR 47350) USEPA noted deficiencies in the State's submittal of April 25, 1979. This section of the notice discusses those deficiencies, the State's response to that notice, and USEPA's response.

(1) In the August 13, 1979 notice (44 FR 47456), USEPA noted that Section 172(b)(10) of the Act requires written evidence that the State has adopted the necessary requirements by statute, regulation or other legally enforceable document and has committed itself to implement and enforce the elements of the plan.

On June 14, 1979, the Governor of Michigan requested an extension until June 30, 1980 to certify adequate legal authority to implement and enforce anI/M program. Conditions for USEPA to grant such an extension are discussed in the February 24, 1978, General Criteria for SIP Approval Guidance, the July 17, 1978, Hawkins I/M policy memorandum and the Regional Administrator's letter of January 24, 1979. This guidance indicates that an extension to July 1, 1980, is possible, but only when the State can demonstrate that (a) there was insufficient opportunity to conduct necessary technical analyses and/or (b) the legislature has had no opportunity to consider any necessary enabling legislation for I/M between enactment of the 1977 amendments to the Act and June 30, 1979. On April 4, 1979, in the "General Preamble for Proposed Rulemaking on Approval of State Implementation Plans for Nonattainment Areas" (44 FR 20372), USEPA substantially limited its position on the opportunity for such an extension based on insufficient opportunity to conduct necessary technical analyses. USEPA stated in that notice that "as far as USEPA is aware, the needed information is now available." (44 FR 20377, n. 27)

Michigan's request for an extension to obtain I/M legal authority cited insufficient time to conduct adequate technical analyses. USEPA denied Michigan's request on the basis that the analyses that were incomplete at that time were directed toward design and selection of an appropriate I/M program for Michigan, and not, as contemplated by the extension policy, for the purposes of determining the need for and benefit of an I/M program. On September 28, 1979 the USEPA Administrator denied the request stating that such an approval would be inconsistent "with the position which EPA has uniformly taken as toI/M legal authority in other states * * * In EPA's judgment it is not essential to resolve each aspect of a program before general enabling legislation is adopted."

On March 20, 1980, the Governor of Michigan submitted to USEPA additional information on the State'sI/M program. This submittal included a clarifying letter, an amended I/M implementation schedule, and a copy of a bill (House Bill #5367) then currently under consideration by the Michigan Legislature. The Governor requested USEPA to "speed up the rulemaking with respect to the transportation control plan [including I/M]" and to consider the important features of House Bill #5367, which as of that time had not yet been adopted, in USEPA's proposed rulemaking. On April 3, 1980 the Michigan Legislature passed an I/M bill entitled "Senate Substitute for House Bill #5367," as agreed to in the Conference Committee, April 3, 1980 (hereinafter referred to as "MichiganI/M bill"). As of the date of this notice this bill has not yet been signed by the Governor or formally submitted to EPA for consideration. Because of the Governor's request to expedite EPA's rulemaking on the transportation component of the Michigan SIP, EPA is today reviewing the State's March 20, 1980 submittal, substituting the Bill passed by the Michigan legislature on April 3, 1980, for the draft bill included in the March 20, 1980 submittal.

Based on this review, EPA proposes to approve the State of Michigan's legal authority to implement and enforce anI/M program. This approval is conditional upon the Michigan I/M bill being signed by the Governor and formally submitted to EPA prior to final rulemaking. This proposed action is based on the following analysis.

The I/M bill, as adopted by the legislature, authorizes the implementation of an I/M program in those areas of the State where the NAAQS for ozone or carbon monoxide will not be attained, or have not been attained by December 31, 1982, despite the implementation of all reasonable available control measures. The bill provides for a program to be implemented according to dates specified by the USEPA. The bill also provides for the prohibition of registration of non-complying vehicles in affected areas by the Secretary of State. The bill requires that the inspection incorporate a test procedure which complies with Clean Air Act requirements and the rule promulgated by USEPA pursuant to Section 207(b) of the Clean Air Act. The bill allows for the inspection network and the stringency level of the test to be determined by the Department of State in the administrative rulemaking process. The State has committed to support cut points which would reflect a 20 percent stringency factor. Data developed by the Southeastern Michigan Council of Governments (SEMCOG) indicates that a 20 percent stringency factor would result in 25 percent emission reduction of both hydrocarbons and carbon monoxide. The stringency factor and effectiveness of the program are discussed in more detail elsewhere in this notice.

Therefore USEPA proposes to find the Michigan I/M bill adequate legal authority as required by Sections 172(b)(7) and (10) of the Act. If such authority is later withdrawn or found to be inadequate to authorize implementation or enforcement of the required program, the SIP will no longer satisfy the requirements of Part D.

(2) In the August 13, 1979 **Federal Register** (44 FR 47356), USEPA stated that at the time of certification of adequate legal authority the State must commit to implement and enforce I/M program.

The Michigan I/M Bill provides that an I/M program shall be implemented and that non-complying vehicles shall be denied motor vehicle registration. Further, the Governor emphasized this point in his March 20, 1980, letter when he stated "With respect to a commitment to implement the program, you should be aware that the legislation which prohibits registration of motor vehicles without a certificate of compliance is a clear mandate to implement the program." USEPA accepts the State's affirmation that such legislation constitutes a commitment to implement and enforce the program.

(3) In the August 13, 1979, **Federal Register** (44 FR 47356), USEPA noted six deficiencies in the Michigan I/M Implementation schedule. The dates in the schedule should include the milestones described in ther July 17, 1978 Hawkins I/M policy memorandum. The State's submittal of March 20, 1980 contains a revised I/M Implementation schedule, which included these additional required milestones. However, the new submittal cotains extended dates for implementation of these milestones which differ from the April 25, 1979 submittal and are not consistent with the Bill passed by the legislature. Furthermore, the schedule dates do not meet USEPA requirements as described in the July 17, 1978 Hawkins I/M policy memorandum. In that memorandum, implementation of mandatory repair for failed vehicles no

later than two and a half years after passage of needed legislation or certification of adequate legal authority for new centralized systems and one and a half years after legislation or certification for decentralized systems or for centralized systems which are adding emission inspections to safety inspections * * *. This means that a new centralized program must start by December 31, 1982, while [decentralized programs] must start by December 31, 1981. Where I/M can be implemented more expeditiously, it must be. Each state implementation schedule must be looked at individually to determine if it is as expeditious as practicable. Implementation dates ordered by courts, if earlier than these dates, take precedence."

Michigan's original submittal of April 25, 1979 contained two schedules for implementation of two alternative I/M programs, a decentralized and a centralized program. The schedules called for implementation of the decentralized option by December, 1981, and implementation of the centralized option by December 1982. However, the amended schedule of March 20, 1980, contains a single implementation date despite the fact that the decision on program type (centralized or decentralized) is left to State administrative rulemaking. Further, the Michigan I/M Bill states that the I/M program shall take effect not later than a date specified by USEPA.

USEPA proposes to approve Michigan's I/M implementation schedule if, prior to final rulemaking the State revises its I/M implementation schedule to be consistent with EPA policy and the State's legal authority. In the alternative, USEPA proposes to conditionally approve Michigan's I/M schedule on the condition that these deficiences are corrected on a schedule negotiated with the state and USEPA.

(4) In the August 13, 1979 notice (44 FR 47356), USEPA reiterated its policy that each State must "commit itself to achieve a reduction of at least 25 percent in light duty vehicle exhaust emissions by 1987 compared to what emissions would be in the absence of I/M. A commitment to this reduction is a necessary element of an approvable Part D SIP."

The Governor's letter of March 20, 1980 contains a commitment to support cut points which would reflect a 20 percent stringency factor. Based on date developed by the Southeastern Michigan Council of Governments (SEMOG) use of this 20 percent stringency factor would result in a 25 percent emission reduction of both hydrocarbons and carbon monoxide. However, the SEMCOG calculations do not reflect particular vehicle and repair exemptions which are allowed under the current Michigan I/M Bill. Based on USEPA's review of the SEMCOG data, USEPA believes that the State will be able to demonstrate a 25% reduction in emissions. However until additional calculations are provided by the State USEPA cannot be absolutely certain of this conclusion. Thus the State should demonstrate that an I/M program with a 20% stringency factor which is consistent with the provisions of the State's legal authority will achieve a 25 percent emission reduction. If the State's calculations predict emission reductions of less than 25 percent, the State should commit to a stringency factor that will achieve the required emission reduction. USEPA will approve the commitment to the required emission reduction if the State corrects the above noted deficiency during the public comment period. Alternatively USEPA will conditionally approve this commitment on the condition that this deficiency be corrected on a schedule negotiated between the State and USEPA.

(5) Section 172(b)(7) requires the identification and commitment of the necessary finances and resources to carry out the I/M program. The State's submittal of April 25, 1979 contained a discussion of funding and staffing requirements for I/M implementation. However, this discussion pertained only to funding for I/M evaluation studies during fiscal year 1979, and did not address the issue of funding for program implementation funding until the parameters of the I/M program have been more fully defined.

The State must demonstrate that the inspection fee, as proscribed by the legal authority, will be sufficient to cover the cost of the program. Alternatively, the State must commit to provide any additional resources necessary to establish and implement the I/M program. If the State corrects these deficiencies during the public comment period or according to a schedule negotiated between the State and USEPA, then USEPA will approve the State's I/M resource commitment.

Carbon Monoxide and Ozone Attainment Demonstrations

Section 110 of the Clean Air Act as amended in 1977 requires the development of a control strategy for each nonattainment area. For ozone, a plan is required for major urban areas (those areas having a population greater than 200,000 as of 1970) which have been designated as nonattainment for ozone. For carbon monoxide, however, all nonattainment areas must submit a plan to demonstrate attainment of the NAAQS. On April 25, 1979, the State of Michigan submitted plans for all of the designated carbon monoxide and/or ozone nonattainment areas in the State. USEPA will propose approval of the ozone attainment demonstrations for Flint, Lansing, and Grand Rapids in a separate **Federal Register** notice. This notice addresses the carbon monoxide and ozone attainment demonstrations and vehicle I/M program for the Detroit urban area.

Based on monitored violations of the ozone NAAQS occurring during the years 1975–1978 inclusive, Wayne, Monroe, Washtenaw, Livingston, Oakland, Macomb and St. Clair counties were designated as nonattainment areas for ozone. Additionally, based on violations of the 8-hour primary carbon monoxide NAAQS in 1975–1977 inclusive, portions of Wayne, Oakland and Macomb counties were designated as nonattainment areas for carbon monoxide. These areas are delineated at 40 CFR Part 81. The Southeast Michigan Council of Governments (SEMCOG), as the designated lead local agency for the area, prepared the control strategy for the area in conjunction with the Michigan Department of Natural Resources (MDNR) and the Michigan Department of Transportation (MDOT). The strategy contains transportation control measures, stationary source control plans, and provisions for the development of a vehicle I/M program. All of these control plans are designed to reduce the level of carbon monoxide and hydrocarbon emissions in the area and ensure attainment of the NAAQS for these pollutants. Final action to conditionally approve the hydrocarbon control strategy for stationary sources will be published in a separate **Federal Register** notice, and the vehicle I/M program is discussed elsewhere in this notice. USEPA will propose approval of the transportation control plans for the Detroit urban area in a separate **Federal Register** notice.

The strategy developed by SEMCOG does not demonstrate attainment of either standard by December 31, 1982. However, the strategy predicts that the necessary reduction in hydrocarbon emissions required to ensure attainment of the ozone NAAQS in the area will be achieved by December 31, 1987. Since attainment of the NAAQS for these pollutants cannot be demonstrated by 1982, despite the application of all reasonably available control measures, the State of Michigan has requested a five year extension, until December 31, 1987 for carbon monoxide and ozone.

For those areas requesting such an extension, § 172(b)(11) of the Act requires the implementation of certain additional measures. These additional measures are: (1) a schedule for the development, adoption, and implementation of a vehicle emissions control inspection and maintenance I/M program, (2) the establishment of a program for the analysis of alternatives for those sources proposing to locate in the area, and (3) the identification of other measures necessary to provide for attainment of the NAAQS by December 31, 1987.

On April 3rd, the State of Michigan adopted the necessary legislation for the implementation of an I/M program. This bill, which to date has not been signed by the Governor, and submitted to USEPA meets the USEPA's requirements for I/M legal authority are discussed elsewhere in this notice.

The program for the analysis of alternatives is contained in the State's New Source Review (NSR) program for those sources proposing to locate in the area. Final approval of the NSR program will be published in a separate **Federal Register** notice.

Emission reductions will be achieved through the implementation of controls on hydrocarbon emissions from stationary sources, the use of the Federal Motor Vehicle Control Program (FMVCP), additional Transportation Systems Management (TSM) programs and a Vehicle Inspection/Maintenance (I/M) program. Final action to conditionally approve the hydrocarbon control strategy for stationary sources will be published in a separate **Federal Register** notice. Also, the Transportation Control Plan for the Detroit area will be addressed in a separate **Federal Register** notice.

The State of Michigan used the linear rollback approach (LRA) to determine the required carbon monoxide emission reduction. Application of the LRA Indicates that carbon monoxide emissions in the Detroit area must be reduced by 40 percent from the base year (1977) emissions to attain the NAAQS. The plan projects that emission reductions from the Federal Motor Vehicle Control Program (FMVCP) as required by the Clean Air Act will achieve a 21 percent carbon monoxide emission reduction by December 31, 1982, and a 51 percent emission reduction by December 31, 1987. Translated into tons per year, the plan indicates that by the 1982 statutory deadline, total carbon monoxide emissions will be 915,949 tons/year, of which 48,973 tons/year is due to stationary sources and 866,976 tons/year is due to mobile sources.

The projected carbon monoxide nonattainment area emissions and anticipated reductions for 1982 and 1987 indicate that the required emission attainment level will not be achieved by 1982. The data compiled by SEMCOG shows that reasonable further progress will be achieved through 1982, and attainment of the standard is predicted prior to 1987.

For ozone, application of the LRA indicates a 52 percent reduction (395,000 tons in 1977 down to 190,000 tons by 1982) in emissions is necessary to attain the NAAQS. The projected hydrocarbon nonattainment area emissions and anticipated reductions for 1982 and 1987 indicate that the required attainment level will not be achieved by 1982. The data indicated that reasonable further progress will be achieved through 1982, and attainment of the ozone NAAQS is predicted no later than 1987.

USEPA has reviewed the control strategy developed for the Detroit urban area. (A document which details USEPA's complete review is available for inspection at the USEPA Region V Office.) USEPA proposes to approve the carbon monoxide and ozone attainment demonstrations for the Detroit urban area if the State of Michigan submits formal certification of legal authority to implement an I/M program to USEPA prior to final rulemaking.

Interested persons are invited to comment on the revised Michigan SIP and on USEPA's proposed actions. Comments should be submitted to the address listed in the front of this Notice. Public comments received on or before (30 days from date of publication of this notice) will be considered in USEPA's final rulemaking. 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 29, 1979 by the Administrator and I have determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

This Notice of Proposed Rulemaking is issued under the authority of Sections 110, 172, and 301(a) of the Clean Air Act, as amended. (42 U.S.C. 7410, 7502, 7601(c)).

Dated: April 2, 1980.

John McGuire,

Regional Administrator.

[FR Doc. 80-11392 Filed 4-11-80; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF ENERGY

10 CFR Part 435

Draft Environmental Impact Statement Supplement for Energy Performance Standards for New Buildings

AGENCY: Department of Energy.

ACTION: Notice of Availability of Draft Environmental Impact Statement (EIS) Supplement for Energy Performance Standards for New Buildings and scheduling of an additional public hearing on the Supplement.

SUMMARY: The Department of Energy announces availability of the Draft EIS Supplement for Energy Performance Standards (the Standards) for New Buildings. This Supplement elaborates on the information presented in the Draft EIS for Energy Performance Standards in New Buildings which was published at (44 FR 68120 November 28, 1979). The information presented in this Supplement is a more detailed analysis of the socioeconomic and institutional impacts that may result from implementing the Standards than was presented in the November Draft EIS. The results of the Draft EIS Supplement do not expand the range of physical impacts on the environment which were presented in the November draft EIS. Hearings on this supplemental EIS will be a part of the hearings on the November Draft EIS published at (45 FR 4359 January 22, 1980). An additional hearing will be held in Washington, D.C., specifically on this supplement, as announced below.

DATE: Written comments on the Draft EIS Supplement must be received by the Department by close of business, May 26, 1980. Five public hearings will be held on the draft EIS regarding the Energy Performance Standards for New Buildings Program. Four of these will be a part of the last four hearings scheduled in a document published at 45 FR 4359, January 22, 1980.

An additional hearing will be held in Washington, D.C., on April 28 and 29, at the International Inn, 10 Thomas Circle, Washington, D.C., 20005 beginning at 9:00 a.m., local time, each day. Requests to speak at the April 28 and 29 hearing

must be received by April 21 and the speakers selected will be notified by April 23.

After all scheduled speakers have delivered their statements, and if time allows, time will be provided for anyone who wishes to make an unscheduled oral statement.

ADDRESS: Additional hearing will be held in Washington, D.C., on April 28 and 29, at the International Inn, 10 Thomas Circle, Washington, D.C.

Single copies of the Draft EIS Supplement may be obtained from Mr. J. Binkley at the address listed below. Copies of the Supplement are also available for public review in the Department of Energy Freedom of Information Reading Room, at the address listed below, between the hours of 8 a.m. and 4 p.m. Monday through Firday, except Federal holidays.

Written comments (in 15 copies) and requests to speak at hearing, as well as questions regarding the conduct of the hearing should be directed to JoAnne Bakos at: U.S. Department of Energy, Office of Conservation and Solar Energy, Room 6A–034, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252–9319.

FOR FURTHER INFORMATION CONTACT:

James L. Binkley, A.I.A. (Buildings and Community Systems), U.S. Department of Energy, Office of Conservation and Solar Energy; Room GF–231, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (800) 424–9040 (Continental US), (800) 424–9081 (Alaska, Hawaii; territories and possessions), (202) 252–2855 (Washington, D.C.).

Dr. Robert J. Stern, Acting Director, NEPA Affairs Division, U.S. Department of Energy, Room 4G–064, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252–4600.

JoAnne Bakos (Hearing Procedures), U.S. Department of Energy, Office of Conservation and Solar Energy, Room 6A–034, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252–9319.

Ms. Verlette Gatlin, U.S. Department of Energy, Freedom of Information Reading Room, Forrestal Building, Room GA–152, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252–5969.

Issued in Washington, D.C., April 10, 1980.

T. E. Stelson,

Assistant Secretary, Conservation and Solar Energy.

[FR Doc. 80–11415 Filed 4–11–80; 10:48 am]

BILLING CODE 6560–01–M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 561

[FRL 1462–6; FAP 9H5215/P15]

Proposed Feed Additive Tolerance for N,N,-Dimethylpiperidinium Chloride

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that a tolerance be established for residues of the plant growth regulator *N,N*-dimethylpiperidinium chloride in cottonseed meal at 3 parts per million (ppm). The proposal was submitted by Wyandotte Corp. This amendment would establish a maximum permissible level for residues of the subject pesticide in cottonseed meal.

DATE: Comments must be received by April 24, 1980.

ADDRESS: Address comments to: Mr. Robert Taylor, Product Manager (PM) 25, Office of Pesticide Programs, Registration Division (TS–767), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, 202–755–2196.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Taylor (PM 25) at the above address.

SUPPLEMENTARY INFORMATION: On May 7, 1979, the EPA published in the **Federal Register** (44 FR 26794) a notice that BASF Wyandotte Corp., P.O. Box 181, Parsippany, New Jersey 07054, had submitted a petition (FAP 9H5215). This petition proposed that 21 CFR Part 561 be amended by the establishment of a regulation permitting residues of the plant growth regulator *N,N*-dimethylpiperidinium chloride in cottonseed meal resulting from application of the subject plant growth regulator to growing cotton with a tolerance limitation of 2.5 ppm.

Subsequently, the petitioner amended the petition by increasing the proposed tolerance from 2.5 ppm to 3 ppm. Because of the potential increase in exposure to humans of *N,N*-dimethylpiperidinium chloride residues as a result of the higher tolerance, the tolerance is being proposed at this time to provide an opportunity for public comment.

The data submitted in the petition and other relevant material have been evaluated. The acute toxicity data considered in support of the proposed tolerance included a rat acute oral

toxicity study with an LD_{50} (lethal dose) of 1,420 milligrams (mg)/kilogram (kg) of body weight (bw), a rabbit acute oral toxicity study with an LD_{50} of 1,780 mg/kg bw, a rat acute dermal study at 46 percent with an LD_{50} greater than 5 milliliters (ml)/kg, a rat acute dermal study at 4.4 percent with an LD_{50} of greater than 5,000 mg/kg bw, rabbit eye irritation studies with slight irritation, rabbit skin irritation studies with slight irritation, rat inhalation studies with slight irritation, and a mouse intraperitoneal study with an LD_{50} of 42.8 mg/kg bw. The subchronic and chronic studies evaluated included a 90-day rat feeding study with a no-observed-effect level (NOEL) of 1,000 ppm; a 90-day dog feeding study with an NOEL of 1,000 ppm; a two-year rat feeding and oncogenicity study with an NOEL of 1,000 ppm; a three-generation rat reproduction study, including a teratology study with an NOEL of 3,000 ppm; and a dominant lethal mouse (mutagenicity) study (negative).

Desirable data lacking from the petition are a six-month dog feeding study and additional information on the two-year mouse feeding and oncogenicity study, including information on the strain of mice used, and hematology and clinical biochemistry data for the initial testing periods. The petitioner has been notified of the outstanding data. The petitioner agreed in his letter of March 13, 1980 to submit the data. There are no regulatory actions pending against the registration of the chemical.

The nature of the residue in animals and plants is adequately understood. An adequate analytical method (gas chromatography using a nitrogen-specific detector) is available for enforcement purposes. Residues could occur in eggs, milk, and the meat, fat, and meat byproducts of livestock (40 CFR 180.6(a)(2)), but such residues would be covered by a related proposed regulation that appears elsewhere in today's **Federal Register** concerning the establishment of tolerances for residues of the plant growth regulator in eggs; milk; and the meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry and sheep; cottonseed; and cotton forage. There are no other considerations involved in establishing this tolerance.

The pesticide is considered useful for the purpose for which a tolerance is sought, and it is concluded that the pesticide may be safely used in the prescribed manner when such use is in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973, 89 Stat. 751; 7 U.S.C. 136(a) et seq.). Therefore, it is proposed that 21 CFR 561 be amended 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 on or before May 14, 1980, 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 comment period is being limited to 10 days so that the tolerance may be established in the second week of April. The use of this new plan regulator will result in a substantial increased yield of cotton by American farmers. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. The comments must bear a notation indicating both the subject and the petition/document control number, "FAP 9H5215/P15". All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the office of PM 25, Room 359, 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 procedures. EPA labels these other regulations "specialized". This regulation has been reviewed, and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

(Sec. 408(e), 68 Stat. 514, (21 U.S.C. 348))

Dated: April 9, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

It is proposed that Part 561, § 561.197 be revised in its entirety to read as follows:

§ 561.197 N,N-Dimethylpiperidinium chloride.

A tolerance is established for residues the plant growth regulator *N,N*-dimethylpiperidinium chloride in the following processed feed when present therein as a result of application of this plant growth regulator to growing cotton:

Feed	Parts per million
Cottonseed meal	3

[FR Doc. 80-11399 Filed 4-11-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 180

[PP 9F2189/P135; FRL 1462-5]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on the Raw Agricultural Commodities; Proposed Tolerances for the Pesticide Chemical N,N-Dimethylpiperidinium Chloride

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that tolerances be established for residues of the plant growth regulator *N,N*-dimethylpiperidinium chloride on a variety of raw agricultural commodities. The proposal was submitted by Wyandotte Corp. This amendment would establish maximum permissible levels for residues of the plant growth regulator on certain raw agricultural commodities.

DATE: Comments must be received by April 24, 1980.

ADDRESS: Address comments to: Mr. Robert Taylor, Product Manager (PM) 25, Office of Pesticide Programs, Registration Division (TS-767), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, 202-755-2196.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Taylor (PM 25) at the above address.

SUPPLEMENTARY INFORMATION: On May 7, 1979, notice was given (44 FR 26794) that BASF Wyandotte Corp., 100 Cherry Hill Road, P.O. Box 181, Parsippany, New Jersey 07054, had filed a petition (PP 9F2189) with the EPA. This petition proposed to amend 40 CFR 180 by establishing tolerances for residues of the plant growth regulator *N,N*-dimethylpiperidinium chloride in or on the raw agricultural commodities cotton forage at 3 parts per million (ppm); cottonseed at 1.5 ppm; meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.1 ppm; and eggs and milk at 0.05 ppm. (The petitioner also requested establishment of a tolerance of 0.1 ppm in the meat, fat, and meat byproducts of poultry, but this proposed tolerance was inadvertently omitted from the notice of filing and is therefore being included at this time.)

Subsequently, the petitioner amended the petition by increasing the proposed tolerance on cottonseed from 1.5 ppm to 2 ppm. (A related document concerning establishment of a feed additive regulation for residues of the subject plant growth regulator appears elsewhere in today's **Federal Register**.) Because of the potential increase in exposure of humans to residues as a result of the higher tolerance, the tolerances are being proposed at this time to provide an opportunity for public comment.

The data submitted in the petition and other relevant material have been evaluated. The acute toxicity data included a rat acute oral toxicity study with an LD_{50} (lethal dose) of 1,420 milligrams (mg)/kilogram (kg) of body weight (bw), a rabbit acute oral toxicity study with an LD_{50} of 1,780 mg/kg bw, a rat acute dermal study at 46 percent with an LD_{50} greater than 5 milliliters (ml)/kg, a rat acute dermal study at 4.4 percent with an LD_{50} of greater than 5,000 mg/kg bw, rabbit eye irritation studies with slight irritation, rabbit skin irritation studies with slight irritation, rat inhalation studies with slight irritation, and a mouse intraperitoneal study with an LD_{50} of 42.8 mg/kg bw. The subchronic and chronic studies evaluated included a 90-day rat feeding study with a no-observed-effect level (NOEL) of 1,000 ppm; a 90-day dog feeding study with an NOEL of 2,000 ppm; a two-year rat feeding and oncogenicity study with an NOEL of 1,000 ppm; a three-generation rat reproduction study, including a teratology study with an NOEL of 3,000 ppm; and a dominant lethal mouse (mutagenicity) study (negative).

Desirable data lacking from the petition are a six-month dog feeding study and additional information on the two-year mouse feeding and oncogenicity study, including information on the strain of mice used and hematology and clinical biochemistry data for the initial testing periods. The petitioner has been notified of the outstanding data. The petitioner agreed in his letter of March 13, 1980, to submit the data.

Based on an acceptable daily intake (ADI) of 0.5 mg/kg bw/day and a maximum permissible daily intake (MPI) of 30 mg/day/60-kg person, these tolerances contribute a theoretical maximum residue contribution (TMRC) of 0.0488 or 0.16 percent of the ADT. The ADI is based on an NOEL of 1,000 (two-year rat feeding study) and a 100-fold safety factor.

There are no regulatory actions pending against the registration of the chemical. The nature of the residue in animals and plants is adequately understood. An adequate analytical method (gas chromatography using a nitrogen-specific detector) is available for enforcement purposes. Residues could occur in eggs, milk, and meat, fat, and meat byproducts of livestock (40 CFR 180.6(a)(2)), but such residues

would be covered by the proposed tolerances. No other considerations are involved in establishing the proposed tolerances.

The pesticide is considered useful for the purpose for which tolerances are sought, and it is concluded that the proposed tolerances established by amending 40 CFR 180 will protect the public health. It is proposed, therefore, that the tolerances be esatablished 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 10 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 comment period is being limited to 10 days so that the tolerance may be established in the second week of April. The use of this new plant regulator will result in a substantial increased yield of cotton by American farmers. The comments must bear a notation indicating both the subject and the petition/document control number, "PP 9F2189/P135". All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the office of PM 25, Room 359, 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 procedures. 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.

(Sec. 408(e), 68 Stat. 516, (21 U.S.C. 346a(e)).

Dated: April 9, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

It is proposed that Part 180, Subpart C, be amended by adding the new § 180.384 to read as follows:

§ 180.384 N,N-Dimethylpiperidinium chloride; tolerances for residues.

Tolerances are established for residues of the plant growth regulator *N,N*-dimethylpiperidinium chloride in or on the following raw agricultural commodities:

Commodity:	*Parts per million*
Cotton forage	3
Cottonseed	2
Eggs	0.05
Cattle, fat	0.1
Cattle, mbyp	0.1
Cattle, meat	0.1
Goats, fat	0.1
Goats, mbyp	0.1
Goats, meat	0.1
Hogs, fat	0.1
Hogs, mby	0.1
Hogs, meat	0.1
Horses, fat	0.1
Horses, mbyp	0.1
Horses, meat	0.1
Milk	0.05
Poultry, fat	0.1
Poultry, mbyp	0.1
Poultry, meat	0.1
Sheep, fat	0.1
Sheep, mbyp	0.1
Sheep, meat	0.1

[FR Doc. 80-11396 Filed 4-11-80; 8:45 am]

BILLING CODE 6560-01-M

Notices

Federal Register
Vol. 45, No. 73
Monday, April 14, 1980

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

Business and Industrial Loans; Insured Loan Interest Rates

AGENCY: Farmers Home Administration, USDA.

ACTION: Notice.

SUMMARY: Notice is hereby given by the Farmers Home Administration that the current rate of interest for insured business and industrial loans, established pursuant to 7 CFR § 1980.423(b) is as follows:

a. Insured loans for other than public bodies in rural areas will be at the rate of fourteen and one-half percent (14-½%). This rate will remain in effect until a change is published in the Federal Register.

Funds are very limited for this program. $10 million is available nationwide for Fiscal Year 1980.

EFFECTIVE DATE: April 14, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. LaVerne A. Isenberg, Room 4118, Farmers Home Administration, USDA, Washington, DC 20250. Phone: 202–447–4871.

April 1, 1980.

Gordon Cavanaugh,

Administrator, Farmers Home Administration.

[FR Doc. 80–10927 Filed 4–11–80; 8:45 am]

BILLING CODE 3410–07–M

Forest Service

1980 Cooperative Spruce Budworm Suppression Project, Maine; Final Environmental Impact Statement; Record of Decision

After a thorough review of the Final Environmental Impact Statement, and comments received on the Draft Environmental Impact Statement, I have concluded that it is not appropriate for the Forest Service to provide financial assistance for Maine's proposal to control the spruce budworm on 1.66 million acres by applying chemical insecticides. This is the selected alternative shown in the Final Environmental Impact Statement. The selected alternative is environmentally preferable to the other alternatives when physical, biological, economic, and social factors are weighed on balance.

I am concerned about the economic justification for the project; the resource protection needs; environmental impacts of repeated chemical insecticide application; and, I am not convinced that widespread aerial spraying is the sound approach to a long-term solution of the spruce budworm problem in Maine. The other alternatives examined included: biological insecticides on 1.66 million acres; small landowner management assistance; insecticide treatment on 3.5 million acres; insecticide treatment on 1.66 million acres with initiation of integrated pest management; and, biological insecticides on 250,000 acres with initition of IPM.

I have concluded that Federal financial assistance should sustain and advance the initiatives in integrated pest management of the spruce budworm already being pursued by the State and major landowners. Federal financial participation will involve Forest Service participation in research, pilot tests, operational demonstration of a biological insecticide (*Bacillus thuringiensis*), demonstrations of other IPM techniques, monitoring, timber supply and demand analyses, and assistance to owners of small woodlands.

Implementation of this decision may take place immediately because the Environmental Protection Agency granted a waiver of the 30-day waiting period between filing of the Final Environmental Impact Statement and Record of Decision under provisions of 40 CFR 1506.10. This decision is not subject to administrative review (appeal) pursuant to 36 CFR 211.19.

Dated: April 10, 1980.

Allen J. Schacht,

Acting Area Director, Northeastern Area, State & Private Forestry, 370 Reed Road, Broomall, PA 19008.

[FR Doc. 80–11372 Filed 4–10–80; 4:33 pm]

BILLING CODE 3410–11–M

Regional Land and Resource Management Plan; Intent To Prepare an Environmental Impact Statement

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, will prepare an environmental impact statement on the Land and Resource Management Plan for the Southern Region which includes 15 National Forests in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and Puerto Rico, and two National Grasslands in Texas.

The Land and Resource Management Plan is being prepared in accordance with requirements of the Secretary's regulations promulgated pursuant to the National Forest Management Act of 1976. Based on an anaylsis of the Region's supply capacity and demand for its resource outputs, the plan will be used to determine resource goals and objectives for the Southern Region National Forests and Grasslands in coordination with the states involved.

The planning process will integrate all resource planning—timber, range, fish and wildlife, water, wilderness, and recreation—together with resource protection and resource use activities. The process will be issue-oriented, i.e., public issues, management concerns, and development opportunities will be analyzed continually throughout the process.

A reasonable range of alternatives will be formulated by an interdisciplinary team to provide different ways to address and respond to the major public issues, management concerns, and resource opportunities identified during this planning process.

Alternatives will reflect a range of respurce outputs and expenditure levels. In formulating these alternatives, the following criteria will be met:

(1) Each alternative will be capable of being achieved;

(2) A no-action alternative will be formulated, that is the most likely condition expected to exist in the future if current management direction would continue unchanged;

(3) Each alternative will provide for orderly elimination of backlogs of needed treatment for the restoration of renewable resources as necessary to achieve the multiple-use objectives of that alternative.

(4) Each identified major public issue and management concern will be addressed in one or more alternatives; and

(5) Each alternative will represent to the extent practicable the most cost efficient combination of management practices examined that can meet the objectives established in the alternative. Each alternative will state at least:

(1) The condition and uses that will result from long-term application of the alternative;

(2) The goods and services to be produced, and the timing and flow of these resource outputs;

(3) Resource management standards and guidelines; and

(4) The purposes of the management direction proposed. The selected alternative will guide the management of the Southern Region through establishment of management standards and guidelines.

Early in the environmental analysis, Federal and State agencies, organizations, and individuals who may be interested in or affected by the decision will be invited to participate in a scoping process, which includes; (a) Identification of those issues to be addressed; (b) identification of those issues to be analyzed in depth; and (c) elimination from detailed study those issues which are not significant, or which have been covered by prior environmental review. To accomplish this scoping effort, the Southern Region will publish an announcement in April 1980 in appropriate newspapers and send information packets to and solicit comments from: Federal and State agencies; Indian Tribes; a cross-section of user groups; and individuals and organizations who have expressed an interest in National Forest management in the past.

R. Max Peterson, Chief of the Forest Service, is the responsible official for the environmental impact statement, and Robert F. Williams (Telephone No. 404–881–2242) is the Team Leader for the environmental impact statement/Land and Resource Management Plan.

The draft environmental impact statement will be available by July 1981 and the Final Environmental Impact Statement is scheduled for completion by January 1982.

Comments on this Notice of Intent or on the proposal should be sent to the Regional Forester, Southern Region, 1720 Peachtree Road, NW., Atlanta, Georgia 30309.

Dated: April 3, 1980.

R. Max Peterson,

Chief, Forest Service.

[FR Doc. 80-11223 Filed 4-11-80; 8:45 am]

BILLING CODE 3410-11-M

Science and Education Administration

Committee of Nine; Meeting

In accordance with the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463, 86 Stat. 770–776), the Science and Education Administration, Cooperative Research, announces the following meeting:

Name: Committee of Nine.
Dates: May 28 and 29, 1980.
Time: 9:00 a.m. both days.
Place: U.S. Department of Agriculture, Room 330–GHI Building, 500 12th Street, SW., Washington, D.C.
Type of Meeting: Open to the public. Persons may participated in the meeting as time and space permit.
Comments: The public may file written comments before or after the meeting with the contact person listed below.
Purpose: To evaluate and recommend proposals for cooperative research on problems that concern agriculture in two or more States, and to make recommendations for allocation of regional research funds appropriated by Congress under the Hatch Act for research at the State agricultural experiment stations.
Contact Person for agenda and more Information: Dr. Estel H. Cobb, Recording Secretary, U.S. Department of Agriculture, Science and Education Administration, Cooperative Research, Washington, D.C. 20250, telephone: 202/447–4329.

Done at Washington, D.C., this 8th day of April 1980.

W. I. Thomas,

Administrator, Cooperative Research.

[FR Doc. 80-11098 Filed 4-11-80; 8:45 am]

BILLING CODE 3410-22-M

Soil Conservation Service

Black Creek-Mason Watershed, Michigan

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Arthur H. Cratty, State Conservationist, Soil Conservation Service, 1405 South Harrison Road, East Lansing, Michigan 48823, telephone 517–337–6702.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the deauthorization of Federal funding of the Black Creek-Mason Watershed, Mason County, Michigan.

The environmental assessment of this action indicates that deauthorization of Federal funding of the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Arthur H. Cratty, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this action.

The project concerns a plan for watershed protection, flood prevention, and drainage. The planned works of improvement include land treatment and 9.4 miles of multipurpose flood prevention and drainage channel work.

The finding of no significant impact has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Arthur H. Cratty, State Conservationist, Soil Conservation Service, 1405 South Harrison Road, East Lansing, Michigan 48823, telephone 517–337–6702. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken unitl June 13, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program, Public Law 83–566, 16 U.S.C. 1001–1008)

Dated: April 3, 1980.

Joseph W. Haas,

Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 80-11050 Filed 4-11-80; 8:45 am]

BILLING CODE 3410-16-M

Cherokee Sandy Creek Watershed, Oklahoma

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:
Mr. Roland R. Willis, State Conservationist, Soil Conservation Service, Agricultural Center Building, Farm Road and Brumley Street, Stillwater, Oklahoma 74074, telephone number (405) 624–4360.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Services Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for one multipurpose structure and associated recreational facilities, which will provide flood control, municipal and industrial water, and recreational benefits to the city of Pauls Valley, Garvin County, Oklahoma, and the surrounding community.

The environmental assessment of this federally-assisted action indicates that the action will not cause significant impacts to human environment. As a result of these findings, Mr. Roland R. Willis, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this action.

The project action will involve the construction of one floodwater retarding structure.

The finding of no significant impact has been forwarded to the Environmental Protection Agency. The environmental assessment is on file and may be reviewed by interested parties by contacting Mr. Roland R. Willis, State Conservationist, Soil Conservation Service, Agricultural Center Building, Farm Road and Brumley Street, Stillwater, Oklahoma 74074, telephone number (405) 624–4360. The finding of no significant impact has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until May 14, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.904, Flood Control Act, Public Law 78–534, 58 Stat. 905)

Dated: April 3, 1980.

Joseph W. Haas,

Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 80–11053 Filed 4–11–80; 8:45 am]

BILLING CODE 3410–16–M

Chickies Creek Watershed, Pennsylvania

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of Intent To Prepare an Environmental Impact Statement.

FOR FURTHER INFORMATION CONTACT:
Mr. Graham T. Munkittrick, State Conservationist, Soil Conservation Service, Federal Building and Courthouse, Box 985 Federal Square Station, Harrisburg, Pennsylvania 17108, telephone number (717) 782–4403.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is being prepared for the Chickies Creek Watershed, Lancaster and Lebanon Counties, Pennsylvania.

The environmental evaluation of this federally-assisted action indicates that the project may cause local, regional or national impacts on the environment. As a result of these findings, Mr. Graham T. Munkittrick, State Conservationist, has determined that the preparation and review of an environmental impact statement is needed for this project.

The project concerns a plan for watershed protection and flood prevention. Alternatives under consideration to reach these objectives include systems for conservation land treatment, nonstructural measures, impoundments, channel improvements and diking.

A draft environmental impact statement will be prepared and circulated for review by agencies and the public. The Soil Conservation Service invites participation of agencies and individuals with expertise or interest in the preparation of the draft environmental impact statement. The draft environmental impact statement will be developed by Mr. Graham T. Munkittrick, State Conservationist, Soil Conservation Service, Federal Building and Courthouse, Box 985 Federal Square Station, Harrisburg, Pennsylvania 17108, telephone number (717) 782–4403.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Public Law 83–566, 16 U.S.C. 1001–1008)

Dated: March 28, 1980.

Joseph W. Haas,

Assistant Administrator for Water Resources, Soil Conservative Service.

[FR Doc. 80–11051 Filed 4–11–80; 8:45 am]

BILLING CODE 3410–16–M

Cow Creek Watershed, Oklahoma

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:
Mr. Roland R. Willis, State Conservationist, Soil Conservation Service, Agricultural Center Building, Stillwater, Oklahoma 74074, telephone number (405) 624–4360.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for critical area treatment in the Cow Creek Watershed project, Jefferson and Stephens Counties, Oklahoma.

The environmental assessment of this federally-assisted action indicates that the action will not cause significant impacts to human environment. As a result of these findings, Mr. Roland R. Willis, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this action.

Project measures will include grade stabilization structures, diversions, critical area plantings, shaping and sodding, fencing, and waterways to protect such severely eroded areas as gullies, badly scoured areas, and roadside ditches against continued accelerated erosion.

The finding of no significant impact has been forwarded to the Environmental Protection Agency. The environmental assessment is on file and may be reviewed by interested parties by contacting Mr. Roland R. Willis, State Conservationist, Soil Conservation Service, Agricultural Center Building, Farm Road and Brumley Street, Stillwater, Oklahoma 74074, telephone number (405) 624–4360. The finding of no significant impact has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until May 14, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Public Law 83-566, 16 U.S.C. 1001-1008)

Date: March 28, 1980.

Joseph W. Haas,

Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 80-11041 Filed 4-11-80; 8:45 am]

BILLING CODE 3410-16-M

Foard County Roadside Erosion Control R.C. & D. Measure, Texas

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. George C. Marks, State Conservationist, Soil Conservation Service, W. R. Poage Federal Building, P.O. Box 648, Temple, Texas, telephone 817-774-1214.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Foard County Roadside Erosion Control RC&D Measure, Foard County, Texas.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. George C. Marks, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for installation of erosion control practices on county road rights-of-way and adjacent privately owned lands. The planned works of inprovement include shaping, filling, critical area plantings, diversions, fencing, a small grade control structure, and grassed waterways to control gully erosion on 13 road-sections involving about 97 acres.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. George C. Marks, State Conservationist, Soil Conservation Service, W. R. Poage Federal Building, P.O. Box 648, Temple, Texas, telephone 817-774-1214. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until May 14, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Public Law 87-703, 16 U.S.C. 590a-f, q)

Dated: April 7, 1980.

Edward E. Thomas,

Assistant Administrator for Land Resources.

[FR Doc. 80-11047 Filed 4-11-80; 8:45 am]

BILLING CODE 3410-16-M

Jackson Park Critical Area Treatment R. C. & D. Measure, North Carolina

AGENCY: Soil Conservation Service, U.S. Department of Agriculure.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Jesse L. Hicks, State Conservationist, Soil Conservation Service, Room 544, Federal Building, 310 New Bern Avenue, Raleigh, North Carolina 27611, telephone 919-755-4210.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Jackson Park Critical Area Treatment RC&D Measure, Henderson County, North Carolina.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Jesse L. Hicks, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for reduction of erosion on 4.5 acres of eroding recreational land by 242 tons of soil each year. The planned works of improvement include seeding the area to adapted vegetation and necessary structural measures for surface water disposal.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Jesse L. Hicks, State Conservationist, Soil Conservation Service, Room 544, Federal Building, 310 New Bern Avenue, Raleigh, North Carolina 27611, telephone 919-755-4210. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until May 14, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Public Law 87-703, 16 U.S.C. 590a-f, q)

Dated: April 7, 1980.

Edward E. Thomas,

Assistant Administrator for Land Resources.

[FR Doc. 80-11046 Filed 4-11-80; 8:45 am]

BILLING CODE 3410-16-M

Northfield Critical Area Treatment R.C. R.C. & D. Measure, Minnesota

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Harry M. Major, State Conservationist, Soil Conservation Service, 200 Federal Building and U.S. Courthouse, 316 North Robert Street, St. Paul, Minnesota 55101, telephone 612-725-7675.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Northfield Critical Area Treatment R.C. & D. Measure, Rice County, Minnesota.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Harry M. Major, State Conservationist, has determined that the preparation and review of a environmental impact statement are not needed for this project.

The measure concerns a plan for reducing streambank erosion on the Cannon River. The planned works of improvement include streambank protection (riprap), sodding, and critical area planting.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Harry M. Major, State Conservationist, Soil Conservation Service, 200 Federal Buiding and U.S. Courthouse, 316 North Robert Street, St. Paul, Minnesota 55101, telephone 612–725–7675. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limit number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until May 14, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Public Law 87–703, 16 U.S.C. 590a–f, q)

Dated: April 3, 1980.

Edward E. Thomas,

Assistant Administrator for Land Resources.

[FR Doc. 80–11049 Filed 4–11–80; 8:45 am]

BILLING CODE 3410–16–M

Peacham School Drainage R.C. & D. Measure, Vermont

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Coy A. Garrett, State Conservationist, Soil Conservation Service, One Burlington Square, Room 205, Burlington, Vermont 05401, telephone 802–951–6795.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Peacham School Drainage R.C. & D. Measure, Caledonia County, Vermont.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Coy A. Garrett, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for the drainage of a wet area associated with a school recreation area. The planned works of improvement include perforated plastic pipe installed underground on a gravel base and shaping and seeding of a grassed waterway.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Coy A. Garrett, State Conservationist, Soil Conservation Service, One Burlington Square, Room 205, Burlington, Vermont 05401, telephone 802–951–6795. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until May 14, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Public Law 87–703, 16 U.S.C. 590a–f, q)

Dated: April 3, 1980.

Edward E. Thomas,

Assistant Administrator for Land Resources.

[FR Doc. 80–11048 Filed 4–11–80; 8:45 am]

BILLING CODE 3410–16–M

Rush Creek Watershed, Oklahoma

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Roland R. Willis, State Conservationist, Soil Conservation Service, Agricultural Center Building, Farm Road and Brumley Street, Stillwater, Oklahoma 74074, telephone number (405) 624–4360.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for three floodwater retarding structures remaining to be built in the Rush Creek Watershed project, Grady, Stephens, and Garvin Counties, Oklahoma.

The environmental assessment of this federally-assisted action indicates that the action will not cause significant impacts to human environment. As a result of these findings, Mr. Roland R. Willis, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this action.

The project action will involve the construction of three floodwater retarding structures.

The finding of no significant impact has been forwarded to the Environmental Protection Agency. The environmental assessment is on file and may be reviewed by interested parties by contacting Mr. Roland R. Willis, State Conservationist, Soil Conservation Service, Agricultural Center Building, Farm Road and Brumley Street, Stillwater, Oklahoma 74074, telephone number (405) 624–4360. The finding of no significant impact has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the finding of no significant impact is available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until May 14, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.904, Flood Control Act, Public Law 78–534, 58 Stat. 905)

Dated: April 3, 1980.

[FR Doc. 80–11052 filed 4–11–80; 8:45 am]

BILLING CODE 3410–16–M

Transylvania Community Hospital Critical Area Treatment R.C. & D. Measure, North Carolina

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Jesse L. Hicks, State Conservationist, Soil Conservation Service, Room 544, Federal Building, 310 New Bern Avenue, Raleigh, North Carolina 27611, telephone 919–755–4210.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Transylvania Community Hospital Critical Area Treatment R.C. & D. Measure, Transylvania County, North Carolina.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Jesse L. Hicks, State Conservationist, has determined that the

preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for reduction of erosion on 8 acres of hospital grounds by over 300 tons of soil each year. The planned works of improvement include seeding the area to adapted vegetation and necessary structural measures to control surface water.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Jesse L. Hicks, State Conservationist, Soil Conservation Service, Room 544, Federal Building, 310 New Bern Avenue, Raleigh, North Carolina 27611, telephone 919–755–4210. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until May 14, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Public Law 87–703, 16 U.S.C. 590a–f, q)

Dated: April 7, 1980.

Edward E. Thomas,

Assistant Administrator for Land Resources.

[FR Doc. 80–11045 Filed 4–11–80; 8:45 am]

BILLING CODE 3410–16–M

Transylvania County Schools Critical Area Treatment R.C. & D. Measure, North Carolina

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Jesse L. Hicks, State Conservationist, Soil Conservation Service, Room 544, Federal Building, 310 New Bern Avenue, Raleigh, North Carolina 27611, telephone 919–755–4210.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Transylvania County Schools Critical Area Treatment R.C. & D. Measure, Transylvania County, North Carolina.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Jesse L. Hicks, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for reduction of erosion on 16 acres of the school grounds by 717 tons of soil each year. The planned works of improvement include seeding the area with adapted vegetation and necessary structural measures to control surface water.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Jesse L. Hicks, State Conservationist, Soil Conservation Service, Room 544, Federal Building, 310 New Bern Avenue, Raleigh, North Carolina 27611, telephone 919–755–4210. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until May 14, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Public Law 87–703, 16 U.S.C. 590a-f, q)

Dated: April 7, 1980.

Edward E. Thomas,

Assistant Administrator for Land Resources.

[FR Doc. 80–11044 Filed 4–11–80; 8:45 am]

BILLING CODE 3410–16–M

Upper North Laramie River Watershed, Wyoming

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of Availability of a Record of Decision.

FOR FURTHER INFORMATION CONTACT: Mr. Frank S. Dickson, State Conservationist, Soil Conservation Service, Federal Office Building, P.O. Box 2440, Casper, Wyoming 82601, telephone number (307) 265–5550.

NOTICE: Mr. Frank S. Dickson, responsible Federal official for projects administered under the provisions of Pub. L. 83–566, 16 U.S.C. 1001–1008, in the State of Wyoming, is hereby providing notification that a record of decision is available for the Upper North Laramie River Watershed. Single copies of this record of decision may be obtained from Mr. Frank S. Dickson, State Conservationist, Soil Conservation Service, Federal Office Building, P.O. Box 2440, Casper, Wyoming 82601, telephone number (307) 265–5550.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program) Pub. L. 83–566, 16 U.S.C. 1001–1008)

Dated: March 28, 1980.

Joseph W. Haas,

Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 80–11054 Filed 4–11–80; 8:45 am]

BILLING CODE 3410–16–M

Wilkerson Creek Watershed, Alabama

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of Authorization of Federal Assistance in the Installation of Works of Improvement.

FOR FURTHER INFORMATION CONTACT: Mr. William B. Lingle, State Conservationist, Soil Conservation Service, Wright Building, 138 South Gay Street, P.O. Box 311, Auburn, Alabama 36830, telephone number (205) 821–8070.

NOTICE: Federal assistance in the installation of works of improvement under the authority of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1008) has been authorized for the Wilkerson Creek Watershed, Alabama.

(Catolog of Federal Domestic Assistance Program No. 10.904, Watershed protection and Flood Prevention Program, Public Law 83–566, 16 U.S.C. 1001–1008)

Dated: March 28, 1980.

Joseph W. Haas,

Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 80–11042 Filed 4–11–80; 8:45 am]

BILLING CODE 3410–16–M

Middle Fork Hood River Watershed, Oregon; Finding of No Significant Impact

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Guy W. Nutt, State Conservationist, Soil Conservation Service, Federal Building, 1220 S.W. 3rd Avenue, Portland, Oregon 97204, telephone number (503) 221–2751.

NOTICE: Pursuant to section 102(2)(c) of the National Environmental Policy Act

of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice of a finding of no significant impact due to the proposed Clear Branch Dam abutment drain and ballast works of improvement in Hood River County, Oregon.

The environmental assessment of this federally-assisted action indicates that the works of improvement will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Guy W. Nutt, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this action.

The proposed action is in the left abutment to intercept water seepage and add weight for stabilization.

The pipe drain to be installed will be covered with rock ballast which will blend into the present rock on the downstream side of the dam. Rock for the proposed action will come from an existing pit which cannot be viewed from the lake or adjoining recreation area.

The environmental assessment for the proposed action is on file and may be reviewed by interested parties by contacting Mr. Guy W. Nutt, State Conservationist, Soil Conservation Service, Federal Building, 1220 S.W. Third Avenue, Portland, Oregon 97204, telephone number (503) 221–2751. A limited number of copies of the environmental assessment are available to fill single copy requests at the above address. Copies of the finding of no significant impact have been sent to interested Federal, State, and local agencies and interested parties, and published in the local newspaper serving Hood River County, Oregon.

No administrative action on implementation of this proposal will be taken until 30 days after the notice of its availability appears in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program, Public Law 83–566, 16 U.S.C. 1001–1008)

Dated: March 28, 1980.

Joseph W. Haas,

Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 80–11126 Filed 4–11–80; 8:45 am]

BILLING CODE 3410–16–M

Washington Creek Watershed, Oklahoma; Finding of No Significant Impact

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Roland R. Willis, State Conservationist, Soil Conservation Service, Agricultural Center Building, Stillwater, Oklahoma 74074, telephone number (405) 624–4360.

NOTICE: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for three floodwater retarding structures remaining to be built in the Washington Creek Watershed project, Garvin and McClain Counties, Oklahoma.

The environmental assessment of this federally-assisted action indicates that the action will not cause significant impacts to human environment. As a result of these findings, Mr. Roland R. Willis, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this action.

The project action will involve the construction of three floodwater retarding structures.

The finding of no significant impact has been forwarded to the Environmental Protection Agency. The environmental assessment is on file and may be reviewed by interested parties by contacting Mr. Roland R. Willis, State Conservationist, Soil Conservation Service, Agricultural Center Building, Farm Road and Brumley Street, Stillwater, Oklahoma 74074, telephone number (405) 624–4360. The finding of no significant impact has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until May 14, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.904, Flood Control Act, Public Law 78–534, 58 Stat. 905)

Dated March 28, 1980.

Joseph W. Haas,

Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 80–11127 Filed 4–11–80; 8:45 am]

BILLING CODE 3410–16–M

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of the Board's Procedural Regulations

Notice is hereby given that, during the week ended April 4, 1980 CAB has received the applications listed below, which request the issuance, amendment, or renewal of certificates of public convenience and necessity or foreign air carrier permits under Subpart Q of 14 CFR Part 302.

Answers to foreign permit applications are due 28 days after the application is filed. Answers to certificate applications requesting restriction removal are due within 14 days of the filing of the application. Answers to conforming applications in a restriction removal proceeding are due 28 days after the filing of the original application. Answers to certificate applications (other than restriction removals) are due 28 days after the filing of the application. Answers to conforming applications or those filed in conjunction with a motion to modify scope are due within 42 days after the original application was filed. If you are in doubt as to the type of application which has been filed, contact the applicant, the Bureau of Pricing and Domestic Aviation (in interstate and overseas cases) or the Bureau of International Aviation (in foreign air transportation cases).

Subpart Q Applications

Date filed	Docket No.	Description
Mar. 31, 1980	37960	Weyburn Flying Services Ltd., P.O. Box 54, Weyburn, Saskatchewan, Canada S4H 2J8. Application of Weyburn Flying Services Ltd. pursuant to Section 402 of the Act requests a Foreign Air Carrier Permit for Charter Service with Small aircraft, in the form granted by the Board to other Canadian Carriers pursuant to Order 74-11-154, between the United States and Canada. Answers may be filed by April 28, 1980.
Mar. 31, 1980	37961	Alkan Air Ltd., Hangar "A", Whitehorse Airport, Whitehorse, Yukon Canada Y1A 3E4. Application of Alkan Air Ltd. pursuant to Section 402 of the Act requests a Foreign Air Carrier Permit for Charter Service with small aircraft, in the form granted by the Board to other Canadian Carriers pursuant to Order 74-11-154, between the United States and Canada. Answers may be filed by April 28, 1980.
Apr. 1, 1980	37965	Mackey International, Inc., c/o Theodore I. Seamon, Seamon, Wasko & Ozment, 1211 Connecticut Avenue, NW., Suite 300, Washington, D.C. 20036. Application of Mackey International, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Regulations requests a new or amended certificate of public convenience and necessity authorizing it to engage in foreign air transportation with respect to persons, property and mail between the coterminal points Atlanta, Georgia and Tampa, Florida and the coterminal points Freeport and Nassau, Bahamas Islands. Conforming Applications and Answers may be filed by April 29, 1980.
Apr. 1, 1980	37967	Singapore Airlines Limited, c/o Laurence A. Short, Galland, Kharasch, Calkins & Short, 1054 Thirty-first Street, N.W., Washington, D.C. 20007. Application of Singapore Airlines Limited pursuant to Section 402 of the Act and Subpart Q of the Board's Regulations requests that its foreign air carrier permit be amended so as to authorize SIA to engage in foreign air transportation of persons, property and mail between Singapore and Los Angeles, California via Hong Kong, Taipei, and Tokyo, Japan. Answers may be filed by April 29, 1980.
Apr. 2, 1980	37971	Hughes Air Corp., d.b.a. Hughes Airwest, San Francisco International Airport, San Francisco, California 94128. Application of Hughes Air Corp., d.b.a. Hughes Airwest pursuant to Section 401 of the Act and Subpart Q of the Board's Regulations requests an amendment to its certificate of public convenience and necessity for Route 76 so as to remove the present one-stop restriction upon the air transportation of persons, property, and mail between the following points: Spokane, Washington, and San Francisco, California. Conforming Applications and Answers are due April 16, 1980.
Apr. 3, 1980	37975	United Air Lines, Inc., P.O. Box 66100, Chicago, Illinois 60666. Application of United Air Lines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Regulations requests an amendment of its Certificate of Public Convenience and Necessity for Route 1 so as to authorize it to perform scheduled nonstop air transportation between Seattle, Washington and Phoenix, Arizona. Answers may be filed by April 17, 1980.
Apr. 3, 1980	37902	Hughes Air Corp., d.b.a. Hughes Airwest, San Francisco International Airport, San Francisco, California 94128. Application of Hughes Air Corp., d.b.a. Hughes Airwest pursuant to Section 401 of the Act and Subpart Q of the Board's Regulations requests an amendment to its certificate of public convenience and necessity for Route 76 so as to remove the present one-stop restriction upon the air transportation of persons, property, and mail between the following points: Denver, Colorado, and Phoenix, Arizona. Conforming Applications and Answers are due April 17, 1980.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 80-11215 Filed 4-11-80; 8:45 am]
BILLING CODE 6320-01-M

[Docket No. 35936]

Commuter Airlines, Inc.; Enforcement Proceeding; Amended Hearing

On April 7, 1980, the Bureau of Consumer Protection filed a motion requesting that the hearing in this proceeding be postponed until June 3, 1980. Respondent Commuter Airlines, Inc., does not object to the postponement, and for good cause shown, the motion is granted.

Accordingly: Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding, previously scheduled for April 15, 1980 (45 FR 9964, February 14, 1980), is rescheduled for June 3, 1980, at 9:30 a.m. (local time), in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, NW., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., April 8, 1980.

Elias C. Rodriguez,
Administrative Law Judge.

[FR Doc. 80-11213 Filed 4-11-80; 8:45 am]
BILLING CODE 6320-01-M

[Docket No. 37880]

Green Mountain Airlines, Inc., Fitness Investigation; Prehearing Conference

Notice is hereby given that a prehearing conference will be held in the above-entitled proceeding on April 30, 1980, at 9:30 a.m. (local time), in Room 1003, Hearing Room D, Universal North Building, 1875 Connecticut Avenue, NW., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., April 8, 1980.

Elias C. Rodriguez,
Administrative Law Judge.

[FR Doc. 80-11214 Filed 4-11-80; 8:45 am]
BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Consolidated Decision on Applications for Duty-Free Entry of Nuclear Magnetic Resonance Spectrometers

The following is a consolidated decision on applications for duty-free entry of nuclear magnetic resonance spectrometers pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially Section 301.11(e)).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 A.M. and 5:00 P.M. at 666 11th Street, N.W. (Room 735), Washington, D.C.

Docket No.: 79-00290. Applicant: University of California—Lawrence Berkeley Laboratory, 1 Cyclotron Road,

Berkeley, California 94720. High Resolution Fourier Transformation Multi-Nuclear Magnetic Resonance Spectrometer System, Model JNM/FX-90Q(II) and Accessories. Manufacturer: Jeol Ltd., Japan. Intended use of article: The article is intended to be used specifically for studies on:

(1) Naturally occurring siderophores and biomimetic synthetic highly selective sequestering agents for 3^+ and 4^+ cations;

(2) Mixed hydroxo-anion aqueous complexes of fission products and actinides found in nuclear waste;

(3) Actinide and lanthanide organometallic chemistry, especially borohydrides, substituted borohydrides and hydride compounds;

(4) Snythesis of organo and inorganic uranium (IV and VI) compounds for laser isotope separation;

(5) Magnetic resonance studies of rhodium, molybdenum and tungsten organo-metal cluster compounds;

(6) Synthesis and NMR study of mixed actinide-Rh, Sn, W cluster compounds;

(7) T_1 and $T_{1\text{-rho}}$ spin lattice relaxation studies (^{13}C, ^1H) of substituted lanthanide and actinide cyclooctatetraene compounds to determine the relationship between T_1's and conformations. The article will also be used partly for educational purposes by graduate students who will gain exposure to and/or increased competence in the use of pulsed Fourier Transform NMR. Advice submitted by the National Bureau of Standards: February 13, 1980. Article ordered: February 1, 1979.

Docket No.: 79-00348. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, MA 02139. Article:

JNM/FX-90Q High Resolution Fourier Transformation Multi-Nuclear Magnetic Resonance Spectrometer System and Accessories. Manufacturer: Jeol Ltd., Japan. Intended use of article: The article is intended to be used for studies of the structures and the dynamics of molecules and molecular aggregates. Pulsed fourier transform NMR spectra will be obtained for ^1H, ^2H, ^{13}C, ^{15}N, ^{17}O, ^{19}F, ^{31}P, ^{199}Hg, ^{119}Sn, ^{29}Si, ^{195}Pt, and ^{59}Co, with particular interest in determining the mobility of parts of molecules by measuring $T_{1\text{-rho}}$ versus temperature. The article will also be used to teach the application of various NMR techniques for the determination of molecular structure and for the identification of unknown organic compounds in the course Chemistry 5.56, Special Topics in Organic Chemistry. Advice submitted by the National Bureau of Standards: February 11, 1980. Article ordered: July 2, 1979.

Docket No.: 79-00350. Applicant: Southern Illinois University—Edwardsville, Edwardsville, IL 62026. Article: JNM/FX-90Q(II) High Resolution Fourier Transformation Multi-Nuclear Magnetic Resonance Spectrometer System and Accessories. Manufacturer: Jeol Ltd., Japan. Intended use of article: The article will be used in studies entitled:

1. The Structure of Metal—Chelating Glyopeptide Antibiotics (^1H, ^{13}C, ^{55}Mn)
2. The Role of Metal Ions in the Structure and Function of Plant Lectins, ^1H, ^{13}C, ^{15}N, ^{19}F, ^{31}P).
3. The Chemistry of Natural Bithienyl Acelylenes. (^1H, ^{13}C).
4. The Chemistry of Strained-Ring Heterocyles (^1H, ^{13}C, ^{19}F, ^{15}N, ^{17}O).
5. Interpretation of Host-Guest Interactions of Macrocylic O and N Bridged Compounds (^1H, ^{13}C, ^{23}Na, ^7Li, ^{17}O, ^{15}N) in the course of which the molecular structure or conformational states of synthetic and natural organic molecules, metal sites of metallobiopolymers, and metal complexing materials will be sought from NMR data. In addition, the projects intend to seek information on the dynamics of conformational interchange processed, metal-ligand exchange rates, and metal-protein interactions, and some thermodynamic and structural information will be obtained in the course of the experimentation. Advice submitted by the National Bureau of Standards: February 11, 1980. Article ordered: May 8, 1979.

Comments: No comments have been received in regard to any of the foregoing applications. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, was being manufactured in the United States at the time the articles were ordered. Reasons: Each foreign article provides the capability for making $T_{1\text{-rho}}$ (spin-lattice relaxation) measurements in the rotating frame. The National Bureau of Standards advises in its respectively cited memoranda that the feature described above is pertinent to the purposes for which each of the foreign articles to which these applications relate is intended to be used. NBS also advises that it knows of no domestic instrument which provided the pertinent feature of each article at its time of order.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value of any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States at the time the articles were ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 80-11055 Filed 4-11-80; 8:45 am]

BILLING CODE 3510-25-M

Functions Relating to Antidumping and Countervailing Duties; Delegation of Authority

Pursuant to the authority delegated to the Assistant Secretary for Trade Administration by the Under Secretary for International Trade under ITA Organization and Function Order 41-1 dated January 30, 1980, and subject to such policies and directives as the Assistant Secretary may prescribe, the following authorities are hereby delegated to the Deputy Assistant Secretary for Import Administration:

a. Section 303 and Title VII, including Section 771(1) of the Tariff Act of 1930 (19 U.S.C. 1303; 1671 *et seq.*) in accordance with section 5(a)(1)(C) of Reorganization Plan No. 3 of 1979 (44 FR 69273, December 3, 1979), relating to antidumping and countervailing duties, except the authority to take final actions [1] as "administering authority";

b. Sections 514, 515, and 516 of the Tariff Act of 1930 (19 U.S.C. 1514, 1515, and 1516) and section 5(a)(1)(D) of Reorganization Plan No. 3 of 1979, insofar as they relate to any protest, petition, or notice of desire to contest described in section 1002(b)(1) of the Trade Agreements Act of 1979;

c. Sections 318, 502 (a) and (b), and 617 of the Tariff Act of 1930 (19 U.S.C. 1318, 1502 (a) and (b), and 1617) and sections 5(a)(1)(E), 5(a)(1)(F), and 5(a)(1)(G), respectively, of Reorganization Plan No. 3 of 1979, insofar as they relate to the investigation and enforcement of antidumping and countervailing duties;

d. Section 2632(e) of Title 28 of the United States Code and section 5(a)(1)(H) of Reorganization Plan No. 3

[1] Final actions refer to the making of final determinations under the Act.

of 1979, insofar as they relate to actions taken by the Secretary reviewable under section 516A of the Tariff Act of 1930 (19 U.S.C. 1516a).

Effective date. This delegation of authority shall be effective immediately and shall remain in force pending the revision of applicable ITA Organization and Function Orders to reflect the responsibilities of the Deputy Assistant Secretary under these statutes.

Dated: April 3, 1980.

Stanley J. Marcuss,

Acting Assistant Secretary for Trade Administration.

[FR Doc. 80-11128 Filed 4-11-80; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Mid-Atlantic Fishery Management Council's Scientific and Statistical Committee; 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 Scientific and Statistical Committee, which will meet to discuss amendments to the Squid, Mackerel and Butterfish Fishery Management Plans.

DATES: The meeting will convene on Thursday, May 8, 1980, at approximately 9 a.m., and will adjourn at approximately 3 p.m. The meeting is open to the public.

ADDRESS: The meeting will take place at the Best Western Airport Motel, Philadelphia International Airport, Route 291, Philadelphia, Pennsylvania.

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: April 9, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80-11194 Filed 4-11-80; 8:45 am]

BILLING CODE 3510-22-M

COUNCIL ON WAGE AND PRICE STABILITY

[WPOA39]

Privacy Act of 1974; Systems of Records

Notice is hereby given that the Council on Wage and Price Stability has transferred the following systems of records to the Office of Administration, Executive Office of the President, pursuant to Executive Order 12028 and Reorganization Plan No. 1 of 1977.

a. Personnel Records—formerly CWPS-1.

b. Payroll Records—formerly CWPS-3.

For the convenience of the public, the Council is re-publishing its Privacy Act System of Records as currently maintained. "Appendix A" is no longer applicable. Routine uses are shown within the systems notice itself, and therefore "Appendix A" is deleted.

CWPS-1

Note.—Formerly CWPS-2, Correspondence Records.

SYSTEM NAME:

Controlled Correspondence and Document Tracking System—CWPS.

SYSTEM LOCATION:

Office of Administration and Management, Council on Wage and Price Stability, Room 100A, Winder Building, 600 17th Street, N.W., Washington, D.C. 20506.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons whose written correspondence has been sent, directly or indirectly, to the Council on Wage and Price Stability.

CATEGORIES OF RECORDS IN THE SYSTEM:

Written correspondence sent, directly or indirectly, to the Council.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Council on Wage and Price Stability Act, 12 U.S.C. Section 1904 note and 6 CFR Part 703.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM:

The system is used as a reference by Council staff of Council correspondence with the public, as a management information tool to expedite Council responses to public inquiries and comments, and as an information data bank for coordinating public and company correspondence with other Council monitoring data systems.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

This system is maintained on a computer data base in the Office of Administration and Management until an approved response has been sent to the author of the incoming correspondence. The correspondence information is commonly retrieved from the system by the following categories: author name, company name, subject, or response due date. Records are retained on magnetic tape/disk and on periodic hard copy print-outs in the Communications Service Center of the Council. Records are under the personal surveillance of authorized Council employees during working hours and in a secure area at other times. Access to the records which are maintained by DIALCOM, Inc., in their computer is further restricted by an access "Code Number" which is known only to a limited number of authorized personnel. The system and records therein will be preserved for the life of the Council.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director for Administration and Management, Council on Wage and Price Stability, Room 115, Winder Building, 600 17th Street, N.W., Washington, D.C. 20506.

NOTIFICATION PROCEDURE:

Address inquiries to the system manager.

RECORD ACCESS PROCEDURES:

Address inquiries to the system manager. Procedures are detailed in Council regulations published in 6 CFR Part 703.

CONTESTING RECORD PROCEDURES:

Address inquiries to the system manager. Procedures are detailed in Council regulations published in 6 CFR Part 703.

RECORD SOURCE CATEGORIES:

The individual initiating the correspondence with the Council.

Sally Katzen,

General Counsel.

April 4, 1980.

[FR Doc. 80-11235 Filed 4-11-80; 8:45 am]

BILLING CODE 3175-01-M

DEPARTMENT OF DEFENSE

Corps of Engineers

Intent To Prepare a Draft Environmental Impact Statement (DEIS); Proposed Deep Water Port and Industrial Park, Columbia River near Kalama, Wash.

AGENCY: U.S. Army Corps of Engineers (DoD).

ACTION: Notice of intent to prepare a draft environmental impact statement (DEIS).

SUMMARY: 1. Under Section 10 of the River and Harbor Act of 1899 (33 USC 403) and Section 404 of the Clean Water Act of 1977 (P.L. 95–217), the Port of Kalama, Washington, has applied for permits to perform work in navigable waters of this Engineer District. The U.S. Army Corps of Engineers, Portland District, and the Port of Kalama will be joint lead agencies in preparing the Environmental Impact Statement (EIS). The EIS will comply with the requirement of both the National Environmental Policy Act (NEPA) and the Washington State Environmental Policy Act (SEPA).

2. The proposed facility is a deep water port and industrial park on the Columbia River, Mile 72, in Cowlitz County, new Kalama, Washington. A pier and conveyor belt are proposed to extend 600 feet from the shoreline to a shiploading facility. Approximately 50 percent of the property will be protected by diking and filling, which will utilize approximately 1.2 million cubic yards of fill. The facility will be used to import and export bulk commodities, possibly including coal, potash, bentonite, soda ash, and wood chips.

3. All practical and feasible alternatives to the proposed work which would satisfy the purpose and needs of the applicant, including alternative sites, will be addressed in the EIS.

4. The identification of issues has been started by the distribution of a public notice announcing the Portland District's intent to prepare an EIS and inviting affected Federal, state, and local agencies, Indian tribes, and other interested persons to participate in the identification of issues and preparation of the EIS. A meeting is not planned by the U.S. Army Corps of Engineers at this time.

5. The Draft Environmental Impact Statement is scheduled to be released to the public for review and comment during the month of August 1980.

6. Comments and questions about the proposed action and DEIS can be addressed to: District Engineer, U.S. Army Engineer District, Portland, Attn.: NPPEN–PL–3, P.O. Box 2946, Portland, OR 97208.

By authority of the Secretary of the Army.

Dated: April 8, 1980.

George A. Bailey,

Colonel, U.S. Army, Director, Administrative Management, TAGO.

[FR Doc. 80–11147 Filed 4–11–80; 8:45 am]

BILLING CODE 3710–AR–M

Department of the Army

Medical Research and Development Advisory Panel Ad Hoc Study Group on Parasitic Diseases; Partially Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463), announcement is made of the following Committee meeting:

Name of committee: United States Army Medical Research and Development Advisory Panel Ad Hoc Study Group on Parasitic Diseases.

Date of meeting: May 2, 1980.

Time and place: 0900 hours, Room 3092, Walter Reed Army Institute of Research, Washington, DC.

Proposed agenda: This meeting will be open to the public from 0900–1000 hrs to discuss the scientific research program of the Parasitic Diseases Branch, Walter Reed Army Institute of Research and from 1630–1700 hrs for the summation of the meeting. Attendance by the public at open sessions will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92–463, the meeting will be closed to the public on 2 May 1980 from 1000–1630 hrs for the review, discussion and evaluation of individual programs and projects conducted by the U.S. Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Howard Noyes, Associate Director, Walter Reed Army Institute of Research, Room 1111, Building 40, Walter Reed Army Medical Center, Washington, DC 20012 (202/576–3061) will furnish summary minutes, roster of Committee members, and substantive program information.

For the Commander.

Richard O. Spertzel,

Colonel, VC, Executive Officer.

[FR Doc. 80–11148 Filed 4–11–80; 8:45 am]

BILLING CODE 3710–08–M

Military Personal Property Symposium; Open Meeting

Announcement is made of a meeting of the Military Personal Property Symposium. This meeting will be held on 15 May 1980 at the Quality Inn, Pentagon City, 300 Army Navy Drive, Arlington, VA, and will convene at 0900 hours and adjourn at approximately 1500 hours.

Proposed agenda: The purpose of the Symposium is to provide an open discussion and free exchange of ideas with the public on procedural changes to the Personal Property Traffic Management Regulation (DOD 4500.34–R), and the handling of other matters of mutual interest relating to the movement and/or storage of household goods and unaccompanied baggage, as well as proposed changes and innovations in the Department of Defense Personal Property Movement and Storage Program.

All interested persons desiring to submit topics to be discussed should submit them in writing to the Commander, Military Traffic Management Command, ATTN: MT–PPM, Washington, DC 20315. Topics to be discussed should be received on or before 8 May 1980.

Dated: April 8, 1980.

John J. Durant,

Colonel, GS, Director of Personal Property.

[FR Doc. 80–11149 Filed 4–11–80; 8:45 am]

BILLING CODE 3710–08–M

Performance Review Boards; List of Members

ACTION: Notice.

SUMMARY: Notice is hereby given of the names of the members of the Performance Review Boards for Department of the Army.

EFFECTIVE DATE: April 15, 1980.

FOR FURTHER INFORMATION CONTACT: Carol D. Smith, Executive Assignment Office, Directorate of Civilian Personnel, Headquarters, Department of Army, the Pentagon, Washington, DC 20310 (202) 697–2169.

SUPPLEMENTARY INFORMATION: Section 4314 (c)(1) through (5) of Title 5 U.S.C., requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more performance review boards. The boards shall review and evaluate the initial appraisal of senior executive's performance by the supervisor and make recommendations to the appointing authority relative to the performance of the senior executives. Each board's review and evaluation will include only those senior executive's appraisals from their respective commands or activities. A consolidated board will be established for those commands who do not have enough senior executives to warrant the establishment of separate boards.

Publication of this notice rescinds the notice published in 45 CFR, page 10839, dated 19 February 1980, to account for changes in title of some Performance Review Board members, replacements for retiring members and the additional members of the Boards not previously published.

The Members of the Performance Review Board for the Office, Secretary of the Army (OSA) are:

1. Mr. Leon Kniaz, Deputy for Civilian Personnel Policy, Office of Assistant Secretary of the Army (Manpower and Reserve Affairs)—Chairman.
2. Mr. Joseph H. Yang, Deputy Assistant Secretary of the Army (Research and Development).
3. Mr. David C. Hardison, Deputy Under Secretary of the Army for Operations Research, Office of the Under Secretary of the Army.
4. Mr. Edward L. Rogers, Principal Deputy, Office of the Assistant Secretary of the Army (Civil Works).
5. Mr. John F. Wallace, Deputy for Management Systems, Office of the Assistant Secretary of the Army (Installations, Logistics and Financial Management).
6. Mr. Isaac C. Hunt, Jr., Principal Deputy General Counsel, Office of the General Counsel.
7. Mr. Milton H. Hamilton, Administrative Assistant, Office of the Secretary of the Army.

The Members of the Performance Review Board for the Office of the Chief of Staff, Army are:

1. Mr. Jack H. Kalish, Director, Ballistic Missile Defense Program Office.
2. Mr. James D. Carlson, Director, Ballistic Missile Defense Advance Technology Center.
3. Mr. Martin B. Zimmerman, Deputy Assistant Chief of Staff for Automation and Communication.
4. Major General W. K. Hunzeker, Director of Resources and Management, Office of the Deputy Chief of Staff for Logistics.
5. Mr. James J. Leonard, Deputy Comptroller of the Army.
6. Mr. Wayne M. Allen, Director of Cost Analysis, Office of the Comptroller of the Army.
7. Mr. Fredric Newman, Director of Civilian Personnel, Office of the Deputy Chief of Staff for Personnel.
8. Brigadier General Joseph C. Lutz, Director, Human Resources Development, Office of the Deputy Chief of Staff for Personnel.
9. Mr. Edgar P. Vandiver III, Technical Director, Deputy Chief of Staff for Operations and Plans.
10. Mr. Joseph P. Cribbins, Special Assistant to the Deputy Chief of Staff for Logistics and Chief, Aviation Logistics Office.
11. Dr. Robert J. Heaston, Scientific Advisor to Director of Weapons Systems, Office of the Deputy Chief of Staff for Research, Development, and Acquisition.
12. Mr. Charles H. Church, Assistant Director for Technology, Office of the Deputy Chief of Staff for Research, Development, and Acquisition.
13. Brigadier General James A. Williams, Deputy Assistant Chief of Staff for Intelligence.
14. Mr. Walter W. Hollis, Scientific Advisor, U.S. Army Operational Test and Evaluation Agency.
15. Brigadier General Richard J. Bednar, Assistant Judge Advocate General for Civil Law.
16. Major General Ennis C. Whitehead, Commander, U.S. Army Concepts Analysis Agency.
17. Mr. Harold L. Stugart, The Auditor General.
18. Mr. Michael A. Janoski, Deputy Auditor General.

The Members of the Performance Review Board for the Office of the Chief of Engineers (OCE) are:

1. Major General James A. Johnson, Deputy Chief of Engineers.
2. Major General William E. Read, Assistant Chief of Engineers.
3. Major General E. R. Heiberg, Director of Civil Works, Chief of Engineers.
4. Brigadier General James N. Ellis, Division Engineer, Middle East Division.
5. Brigadier General Henry J. Hatch, Division Engineer, Pacific Ocean Division.
6. Ms. Betty J. Farwell, Director of Real Estate, Office, Chief of Engineers.
7. Dr. L. R. Shaffer, Technical Director, Construction Engineering Research Lab.
8. Mr. Lee Garrett, Chief, Engineer Division, Director of Military Programs, Office, Chief of Engineers.
9. Mr. Zane Goodwin, Chief, Engineer Division, Norther Central Division.
10. Mr. Herbert Howard, Chief, Engineer Division, North Atlantic Division.
11. Mr. Rodney Resta, Chief, Engineer Division, Lower Mississippi Valley Division.
12. Mr. William N. McCormick, Chief, Engineer Division, South Atlantic Division.
13. Dr. James Choromokos, Chief, Research and Development, Office, Chief of Engineers.
14. Mr. George Brazier, Chief, Construction-Operations Division, Director of Civil Works, Office, Chief of Engineers.
15. Mr. Delbert E. Olson, Chief Planning Division, North Pacific Division.

The Members of the Performance Review Board for U.S. Army Materiel Development and Readiness Command (DARCOM) are:

1. Major General Robert L. Moore, Chief of Staff, HQ DARCOM—Chairman.
2. Major General Jere W. Sharp, Director, Procurement and Production, HQ DARCOM.
3. Brigadier General(P) Benjamin F. Register, Jr., Director, Materiel Management, HQ DARCOM.
4. Major General Elton J. Delaune, Jr., Comptroller, HQ DARCOM.
5. Major General Stan R. Sheridan, Director, Development and Engineering, HQ DARCOM.
6. Mr. Francis X. McKenna, Command Counsel, HQ DARCOM.
7. Mr. William S. Charin, Deputy Director, Personnel, Training and Force Development, HQ DARCOM.
8. Mr. Seymour J. Lorber, Director, Quality Assurance, HQ DARCOM.
9. Dr. Robert E. Weigle, Technical Director, Armament Research and Development Command.
10. Mr. Richard B. Lewis, Technical Director, Aviation Research and Development Command.
11. Dr. Robert S. Wiseman, Assistant to Deputy Commanding General for Science and Technology, HQ DARCOM.
12. Dr. Hermann R. Robl, Technical Director, Army Research Office.
13. Mr. Barton J. Toohey, Comptroller, Tank-Automotive Readiness Command.
14. Mr. Thomas J. Keenan, Director, Procurement and Production, Troop Support Readiness Command.
15. Lieutenant General Woodrow W. Vaughan, U.S. Army (Retired).
16. Mr. Norm Klein, Assistant to Deputy Commanding General for Science and Technology (Retired), HQ DARCOM.

The Members of the Performance Review Board for the Office of the Surgeon General are:

1. Major General Enrique Mendez, Jr., M.D., Deputy Surgeon General—Chairman.
2. Brigadier General Quinn H. Becker, M.D., Director of Health Care Operations.
3. Brigadier General Bernhard T. Mittemyer, M.D., Director of Professional Services.
4. Brigadier General Garrison Rapmund, M.D., Commander, U.S. Army Medical Research and Development Command.
5. Dr. F. K. Mostofi, M.D., Chairman, Center for Advanced Pathology, Armed Forces Institute of Pathology.

6. Dr. L. C. Johnson, M.D., Chairman, Department of Orthopedic Pathology, Armed Forces Institute of Pathology.
7. Dr. G. F. Bahr, M.D., Chairman, Department of Cellular Pathology, Armed Forces Institute of Pathology.
8. Dr. W. R. Beisel, M.D., Deputy for Science, Walter Reed Army Institute of Research.
9. Dr. T. R. Sweeney, M.D., Ph.D., Scientific Advisor (Biochemistry), Walter Reed Army Institute of Research.

The Members of the Performance Review Board for the Consolidated Commands are:

1. Major General William H. Fitts, Deputy Chief of Staff for Personnel, U.S. Army Forces Command.
2. Major General John B. Blount, Chief of Staff, U.S. Army Training and Doctrine Command.
3. Mr. Fred W. Wolcott, Scientific Advisor, Combined Arms Combat Development Activity, U.S. Army Training and Doctrine Command.
4. Mr. Allen J. Dowd, Special Assistant for Transportation Engineering, Military Traffic Management Command.
5. Mr. Leonard J. Mabius, Technical Director/Chief Engineer, U.S. Army Communications Command.
6. Major General Thomas R. Healy, Deputy Chief of Staff for Personnel, U.S. Army, Europe and Seventh Army.
7. Mr. Arthur C. Christman, Scientific Advisor, Office, Deputy Chief of Staff for Combat Development, U.S. Army Training and Doctrine Command.
8. Dr. Marion R. Bryson, Scientific Advisor, Combined Arms Combat Development Activity, U.S. Army Training and Doctrine Command.

William S. Fraim,

Chief, Civil Service Reform Act, Special Project Office.

[FR Doc. 80-11146 Filed 4-11-80; 8:45 am]

BILLING CODE 3710-08-M

Office of the Secretary

Task Force on Evaluation of Audit, Inspection and Investigative Components of the Department of Defense; Advisory Committee Meeting

Pursuant to the Federal Advisory Committee Act, as amended, Section 10, 5 U.S.C. app. Section 10 (1976), notice is hereby given that a meeting of the Task Force on Evaluation of Audit, Inspection and Investigative Components of the Department of Defense will be held on April 28, 1980 from 1330 to 1600, in Room 3D973, The Pentagon, Washington, D.C.

The mission of the Task Force is to advise Congress and the Secretary of Defense with respect to the effectiveness of the audit, inspection and investigative components of the Department of Defense.

The meeting will be open to the public.

M. S. Healy,

OSD Federal Register Liaison, Washington Headquarters Services, Department of Defense.

April 8, 1980.

[FR Doc. 80-11101 Filed 4-11-80; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Public Conferences on Proclamation 4744, the Petroleum Import Adjustment Program

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Public Conferences on Proclamation 4744, the Petroleum Import Adjustment Program.

SUMMARY: On April 2, 1980, the President signed Proclamation 4744 published at (45 FR 22864, April 3, 1980), establishing the Petroleum Import Adjustment Program. Proclamation 4744 implements the President's decision, announced March 14, to impose a gasoline conservation fee of $4.62 per barrel on imports of crude oil, with the burden of the fee to fall entirely on gasoline.

To inform members of the industry and the general public on the operation of the Petroleum Import Adjustment Program, the Economic Regulatory Administration (ERA) of the Department of Energy will hold public conferences on April 18, 1980, in Houston, Texas and April 22, 1980, in Washington, D.C. A copy of the tentative agenda for both conferences is set forth below.

At each of the public conferences there will be an opportunity for questions from the audience. The opportunity for questions and answers will, of necessity, be limited and will be subject to the control of the presiding official. In order to be as responsive as possible during theconferences, the ERA recommends that questions on the operation of the program be submitted, in writing, in advance of the public conferences.

DATES: Conference dates: April 18, 1980, at 10:00 a.m., in Houston, Texas; April 22, 1980, at 10:00 a.m., in Washington, D.C.

ADDRESSES: The conferences will be held at the United States Courthouse, Courtroom No. 6 (1th Floor), 515 Rusk Avenue, Houston, Texas, and the Economic Regulatory Administration, Room 2105, 2000 M Street, N.W., Washington, D.C. All written questions concerning the operation of the Petroleum Import Adjustment Program should be directed to Office of Public Hearings Management, Economic Regulatory Administration, Room 2313, Box XS, 2000 M Street, N.W., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT;

Robert Gillette (Office of Public Hearings Management), Economic Regulatory Administration, Room 2214, 2000 M Street, N.W., Washington, D.C. 20461 (202) 653-3757

William Webb (Office of Public Information), Economic Regulatory Administration, Room B-110, 2000 M Street, N.W., Washington, D.C. 20461 (202) 653-4055.

SUPPLEMENTAL INFORMATION: A copy of the tentative agenda for the public conferences is appended to this notice.

Issued in Washington, D.C., on April 8, 1980.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

APPENDIX

Department of Energy

Economic Regulatory Administration

Tentative Agenda for Public Conferences on Proclamation 4744—Petroleum Import Adjustment Program—*April 18 and 22, 1980*

10:00–10:30 Program Overv overview
10:30–11:00 Crude Oil and Gasoline Imports
11:00–11:30 Questions
11:30–12:00 Gasoline Entitlements
12:00–12:30 Questions
12:30–2:00 Lunch Break
2:00–2:30 Cost Passthrough
2:30–3:00 Questions
3:00–3:30 Enforcement
3:30–4:00 Questions
4:00–4:30 Concluding Remarks and Final Questions

[FR Doc. 80-11253 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-01-M

South Hampton Refining Co.; Proposed Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of proposed consent order and opportunity for comments.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order and provides an opportunity for public comment on the proposed Consent Order and on

potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATE: March 25, 1980.

COMMENTS BY: May 14, 1980.

ADDRESS: Send comments to: Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235 [Phone] (214) 767–7745.

SUPPLEMENTARY INFORMATION: On March 25, 1980, the Office of Enforcement of the ERA executed a proposed Consent Order with South Hampton Refining Company of Silsbee, Texas. Under 10 CFR 205.199J(b), a proposed Consent Order which involves a sum of $500,000 or more in the aggregate, excluding penalties and interest, becomes effective only after the DOE has received comments with respect to the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate an alternative Consent Order.

I. Consent Order

South Hampton Refining Company is a firm engaged in the refining of crude oil and the marketing of motor gasoline and other refined petroleum products, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of sales of motor gasoline and other refined petroleum products, the Office of Enforcement, ERA, and South Hampton Refining Company entered into a Consent Order, the significant terms of which are as follows:

1. The period covered by the Consent Order was August 1973 through December 1975, the alleged overcharges occurred only through December 1974 and included all sales of motor gasoline and other refined petroleum products which were made during that period.

2. South Hampton Refining Company did not apply in a manner acceptale to the DOE the provisions of 6 CFR Part 150, Subpart L, and 10 CFR Part 212, Subpart E, when determining the prices to be charged for its motor gasoline and other refined petroleum product; and, as a consequence, charged prices in excess of the maximum lawful sales prices resulting in overcharges to its customers.

3. In order to expedite resolution of the disputes involved, the DOE and South Hampton Refining Company, have agreed to a settlement in the amount of $2,100,000. The terms of the refund consist of a $1,600,000 bank reduction in unrecovered increased motor gasoline costs and $500,000 cash, $175,000 to be refunded within 60 days of the effective date of the Consent Order, with the balance of the refundable amount to be paid in two installments. Within 12 months from the date of the first payment, the next installment of $150,000 will be made and the remaining $175,000 to be paid within 24 months from the date of the first payments. The negotiated settlement was determined to be in the public interest as well as the best interests of the DOE and South Hampton Refining Company.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, South Hampton Refining Company agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I. 1. above, the sum of $2,100,000 in the manner specified in I.3. above. Refunded overcharges will be in the form of certified checks made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants.* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments.* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, TX 75235. You may obtain a free copy of this Consent Order by writting to the same address or by calling (214) 767–7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on South Hampton Refining Company, Consent Order." We will consider all comments we receive by 4:30 pm, local time, on May 14, 1980. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 2nd day of April 1979.

Herbert F. Buchanan,

Deputy District Manager, Southwest District Enforcement, Economic Regulatory Administration.

[FR Doc. 80–11150 Filed 4–11–80; 8:45 am]

BILLING CODE 6450–01–M

FEDERAL ENERGY REGULATORY COMMISSION

[Docket Nos. G-6342, etc.]

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates[1]

April 7, 1980.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Any person desiring to be heard or to make any protest with reference to said applications should on or before May 1, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
G-6342, D, Mar. 18, 1980	Conoco Inc., P.O. Box 2197, Houston, Tex. 77001	El Paso Natural Gas Company, SEMU Eumont #64 Well, Monument Area, Lea County, New Mexico.	[1]	
G-15700, D, Mar. 21, 1980	Shell Oil Company, Two Shell Plaza, P.O. Box 2099, Houston, Tex. 77001.	Tennessee Gas Transmission Company, Eugene Island Block 18 Field, St. Mary Parish, Louisiana.	[2]	
CI65-739, D, Mar. 21, 1980	Shell Oil Company	Michigan Wisconsin Pipe Line Company, Kings Bayou Field, Cameron Parish, Louisiana.	[3]	
CI80-255, B, Mar. 24, 1980	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, P.O. Box 2819, Dallas, Tex. 75221.	Warren Petroleum Company, State "17" Lease, Lea County, New Mexico.	Lease expired by its own terms in July, 1978, due to nonproduction. Contract has been terminated according to its terms effective as of 12-1-79.	
CI80-256 (CI-69-930), B, Mar. 14, 1980.	Anadarko Production Company, *et al.*, P.O. Box 1330, Houston, Tex. 77001.	Lone Star Gas Company, Stephens County, Oklahoma.	Depleted and leases terminated as a result of cessation of production.	
CI80-249, B, Mar. 24, 1980	ARCO Oil and Gas Company, Division of Atlantic Richfield Company.	The Nueces Company (Delhi), Mabel J. Bailey Lease, Two Freds Field, N/2 Sec. 44, Blk., 1, W & NW Survey, Loving County, Texas.	[4]	
CI80-250, B, Mar. 24, 1980	ARCO Oil and Gas Company, Division of Atlantic Richfield Company.	Aminoil USA, Inc. T. L. Carpenter Lease, Carter County, Oklahoma.	[5]	
CI80-251, A, Mar. 26, 1980	Diamond Shamrock Corporation, P.O. Box 631, Amarillo, Tex. 79173.	Trunkline Gas Company, Block 353, East Cameron Area, South Addition, Offshore Louisiana.	[6]	15.025
CI80-253, A, Mar. 27, 1980	Diamond Shamrock Corporation	Transcontinental Gas Pipe Line Corporation, Block 37, Vermilion Area, Offshore Louisiana.	[7]	15.025
CI80-254, A, Mar. 26, 1980	Ocean Production Company, *et al.*, P.O. Box 61780, New Orleans, La. 70161.	Michigan Wisconsin Pipe Line Company, West Cameron Block 22, in the Gulf of Mexico, Offshore Louisiana.	[8]	15.025
CI80-257, A, Apr. 1, 1980	Phillips Petroleum Company, 5 C4 Phillips Building, Bartlesville, Okla. 74004.	El Paso Natural Gas Company, Britt A No. 1 and B No. 2 located in the Monument Field, Lea County, New Mexico.	[9]	14.73
CI80-258, A, Mar. 31, 1980	Texas Pacific Oil Company, Inc., 1700 One Main Place, Dallas, Tex. 75250.	Trunkline Gas Company, East Cameron Area, South Addition, Block 353, Offshore Louisiana.	[10]	15.025
CI80-259, A, Mar. 28, 1980	Ocean Production Company, *et al.*, P.O. Box 61780, New Orleans, La. 70161.	Michigan Wisconsin Pipe Line Company, South Marsh Island Block A-265, in the Gulf of Mexico, Offshore Louisiana.	[8]	15.025
CI80-260, (G-6646), B, Apr. 1, 1980.	Sun Oil Company, P.O. Box 20, Dallas, Tex. 75221.	Texas Eastern Transmission Corporation, No. Minoak and Yoward Fields, Bee County, Texas.	[11]	
CI79-629, C, Apr. 1, 1980	Amerada Hess Corporation, 1200 Milam, 6th Floor, Houston, Tex. 77002.	Michigan Wisconsin Pipe Line Company, High Island Area, Block A-475, Offshore Texas.	[12]	14.65

[1] By Contract dated 7-17-48, covers only the sale of gas-well gas. The SEMU Eumont #64 Well has been reclassified by the New Mexico Conservation Commission from a gas well to an oil well, thereby eliminating it from said contract. By letter of 6-22-78, the casinghead gas from the well was added to Conoco's Contract dated 7-27-73, with Warren Petroleum Company which, upon FERC approval of this application, will process the gas in its interstate sale to El Paso Natural Gas Company under Warren's Rate Schedule No. 60, Docket No. CI72-502.

[2] The State of Louisiana, Department of Natural Resources (State Mineral Board), as Lessor, requested Shell's plans for development on the unproductive portions of State Lease 1666 or the surrender thereof. Shell was unable to commit to drilling a well on S/L 1666 within the time schedule proposed by the Board. As a result, partial surrender of the Lease, 384.26 acres more or less, was released to the Board.

[3] The lessor demanded by letter dated 10-9-79 that Shell release in full, lease L-18516—A. P. Welch, Jr. *et al.*, due to Shell's failure to produce in paying quantities for more than ninety (90) days.

[4] Contract expired by its own terms on 1-1-80. No gas has been available for sale under such contract since 1971. Total unit sales during 1970 and 1971 averaged approximately 1 MCFD.

[5] The gas volumes have declined to the extent that it is no longer economically feasible for Aminoil USA, Inc., to maintain its connection to this lease.

[6] Applicant is filing under Gas Purchase Contract dated 9-10-79.

[7] Applicant is filing under Gas Purchase Agreement dated 3-13-80.

[8] Applicant is filing under Gas Sales Contract dated 2-28-80.

[9] Applicant is filing under Gas Purchase Contract dated 3-1-80.

[10] Applicant is filing under Gas Purchase Agreement dated 1-30-80.

[11] No gas has been produced and sold since April, 1978; Sun's leases have expired and the Wolters Gas Unit well was plugged and abandoned on 12-4-78.

[12] Applicant is filing under Gas Purchase Contract dated 7-24-79, amended by Amendatory Agreement dated 2-5-80.

Filing Code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

[FR Doc. 80-11156 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-83]

ANR Storage Co.; Proposed Changes in FERC Gas Tariff of ANR Storage Co.

April 7, 1980.

Take notice that ANR Storage Company (ANR), on April 1, 1980, tendered for filing proposed changes in its FERC Gas Tariff, Original Volume No. 2. The proposed changes would increase the charges of ANR to its storage service customers solely by reason of reflecting in its rates, the increase in interest cost level incurred since its Initial Rates were approved. All elements used to compute the rates proposed in the subject filing, other than interest rate, are the same as those used to compute the Initial Rates. The proposed changes would increase revenues from ANR's total service by $4,874,000 per year. ANR has also proposed a tariff provision to adjust such rates periodically as interest rates change.

Copies of the filing were served upon the Company's customers.

Any party desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 25, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11154 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-319]

Central Vermont Public Service Corp.; Filing of Power Transmission Contract

April 7, 1980.

The filing Company submits the following:

Take notice that on April 1, 1980, Central Vermont Public Service Corporation (Central Vermont) tendered for filing a rate schedule together with a Power Transmission Contract between Central Vermont and the Village of Hyde Park Water & Light Department (Customer) dated March 10, 1980. Pursuant to Section 35.11 of the Commission's regulations Central Vermont requests waiver to the 60 day notice requirement and an effective date of January 1, 1980. The request for waiver, Central Vermont states, is in order to provide a rate for the transmission of power on the Company's facilities which has been purchased by the Customer from the New York Power Authority through the Public Service Board of the State of Vermont, which purchase has an effective date of January 1, 1980.

The Company states that the rate under which the service is to be rendered is the same as that provided for in its FERC Rate Schedules No. 89, 93 and 97.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 28, 1980. Protests will be considered by the Commission in determing the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11155 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-293]

Consolidated Gas Supply Corp.; Application

April 7, 1980.

Take notice that on March 24, 1980, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP80-293 an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)) for a certificate of public convenience and necessity authorizing the construction, during an indefinite period commencing July 17, 1980, and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas supplies, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in connecting to its pipeline system supplies of natural gas which may become available from various producing areas generally coextensive with its pipeline system and the systems of other pipeline companies which may be authorized to transport gas for the account of or exchange gas with Applicant and supplies of natural gas from Applicant's own production or acquired for system supply under Section 311 or 312 of the natural Gas Policy Act of 1978.

Applicant states that the total cost of the proposed facilities would not exceed $20,000,000 for any one-year period, with no single onshore project to exceed $2,500,000, and no single offshore project to exceed $3,500,000. For the period July 17, 1980 through December 31, 1980, the total calendar year limit would not exceed $9,124,000, it is stated.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 25, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the

Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise adivsed, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11157 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-292]

Consolidated Gas Supply Corp.; Application

April 7, 1980.

Take notice that on March 24, 1980, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP80-292 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to and a natural gas storage service for New York State Electric and Gas Corporation (NYSEG), an existing jurisdictional customer of Applicant, for a limited term commencing on April 1, 1980, and ending on March 31, 1985, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell to NYSEG, quantities of up to 2,650 dekatherms (dt) equivalent of natural gas per day, but not to exceed 575,000 dt equivalent of gas per contract year, at a rate equivalent to the rate specified in Applicant's Rate Schedule SCQ or any effective superseding rate schedule, it is stated. Applicant states that the proposed sales would be subject to interruption if necessary for the protection of service to Applicant's firm long-term sales customers.

Applicant also proposes to provide a natural gas storage service for NYSEG under and pursuant to the terms of Applicant's Rate Schedule GSS for any effective supeseding rate schedule, it is stated. The proposed storage service would have a storage capacity of 275,000 dt equivalent and a daily demand quantity of 3,750 dt equivalent it is said. Applicant states that the proposed gas sale and storage service are for a limited term of five years.

Applicant states that the subject proposal would not necessitate the construction of any new or additional facilities. Applicant further states that deliveries of natural gas would be made for NYSEG's account at the existing point of interconnection between the facilities of Applicant and those of Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) at Ellisburg Storage Pool in Potter County, Pennsylvania. Tennessee has agreed to transport these quantities of gas for NYSEG's account from Ellisburg to an existing connection with NYSEG near Lockport in Niagara County, New York, it is said. Applicant asserts that the subject proposals would enable NYSEG to provide more reliable service to its customers in the Lockport area.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 28, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11158 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-296]

Consolidated Gas Supply Corp.; Application

April 7, 1980

Take notice that on March 25, 1980, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP80-296 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to recomplete four abandoned wells for storage observation purposes in Lewis County, West Virginia, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that analysis of data obtained from recent drilling activity near the Southwestern portion of its Fink Storage Pool, located in Lewis County, West Virginia, indicates that storage operations may be affecting a larger area of the storage formation than has been the case previously. In order to further compile data of this type and in order to monitor more closely the pressures in the storage formation in this area, Applicant proposes to recomplete four abandoned wells for purposes of storage observation. It is stated that the data to be obtained from these wells would enable Applicant to determine whether any further measures would be required, and to what extent.

Applicant states that the cost of the proposed project would be $370,800, which cost would be financed from funds on hand or which would be obtained from Applicant's parent company, Consolidated Natural Gas Company. It is further stated that no new sales or services are proposed herein.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 25, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80 11159 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-299]

Consolidated Gas Supply Corp.; Application

April 7, 1980.

Take notice that on March 26, 1980, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP80-299 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to recomplete five abandoned wells and one production well for storage observation purposes in Lewis and Harrison Counties, West Virginia, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that analysis of data obtained from recent drilling activity in the area to the north of its Lost Creek Storage Field, Lewis and Harrison Counties, West Virginia, indicates that storage operations may be affecting a larger portion of the storage formation than has previously been the case. In order to further compile data of this type and in order to monitor more closely the pressures and water levels in the storage formation in this area, Applicant proposes to recomplete five abandoned wells for storage observation. Applicant further proposes to recomplete one producing well, located on the southern boundary of the field, in order to complete more pressure and water level data applicable to the southern area of the pool.

Applicant states that the cost of the proposed project would be $486,000, which cost would be financed from funds on hand or which would be obtained from Applicant's parent company, Consolidated Natural Gas Company. It is further stated that no new sales or services are proposed herein.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 28, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or is designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11160 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA80-19]

Diversified Properties, Inc.; Extension of Time

April 4, 1980.

On March 26, 1980, Diversified Properties, Inc. filed a request for a 60 day extension of time to file a petition for review of a decision and order issued February 29, 1980, by the Department of Energy's Office of Hearings and Appeals (DOE Case No. BEO-0408). The motion states that additional time is needed because of the complexity of the case and the relatively new regulations governing this action. The motion further states that legal counsel recently retained by the Company require additional time to familiarize themselves with the case.

18 CFR § 1.40(d)(2) allows a period of thirty days for the filing of a petition for review. Under the circumstances, an extension of thirty days appears adequate. Therefore, the petition for review shall be filed on or before May 2, 1980.

Diversified Properties, Inc. has also filed a request for interim relief. 18 CFR § 1.40(e)(4) permits such request to be made in a proceeding pursuant to § 1.40. Such a proceeding is commenced by the filing of a petition for review, 18 CFR § 1.40(d)(1). Accordingly, action on the request for interim relief must await the filing of a petition for review. If additional time is still required for the filing of this petition for review, an appropriate motion should be filed with the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11161 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2761]

El Dorado Irrigation District and El Dorado County Water Agency; Scoping Meeting

April 8, 1980.

Take notice that Commission staff will hold a scoping meeting on the possible environmental impacts of the proposed SOFAR Upper Mountain Project No. 2761. The proposed project would be located on the South Fork of the American River and its tributaries in El Dorado and Alpine Counties, California. The project would affect lands of the United States within Eldorado National Forest and the Department of the Interior's Central Valley Project, Sly Park Unit.

Interested parties are invited to participate in the scoping meeting to be convened by staff on April 29, 1980, at 9:00 a.m., in the Eldorado National Forest, Conference Room, 100 Forni Road, Placerville, California.

The purpose of the meeting is to encourage interested persons and organizations to assist staff in identifying the significant issues to be analyzed in depth in the environmental impact statement. The meeting will also serve as a means of identifying and eliminating from detailed study those issues that are not significant.

Staff will identify the significant issues that should be addressed in the environmental impact statement. Interested persons are requested to identify significant issues that they believe staff should address. If you are unable to attend this meeting you are encouraged to file written detailed comments by April 24, 1980. If you do not file comments or attend the meeting, we will assume that you have no further comments concerning the issues to be discussed in depth in the environmental impact statement.

Questions concerning this meeting and the environmental impact statement should be directed to: Mr. Mark Robinson, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 at (202) 376-9060.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11162 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-82]

Granite State Gas Transmission, Inc.; Filing of Proposed Tariff Changes

April 7, 1980.

Take notice that on April 1, 1980, Granite State Gas Transmission, Inc. (Granite State), 66 Market Street (P.O. Box 508), Portsmouth, New Hampshire 03801, tendered for filing Twenty-Eight Revised Sheet No. 3A in its FERC Gas Tariff, Original Volume No. 1.

According to Granite State, Twenty-Eight Revised Sheet No. 3A restates its Base Tariff Rate for its jurisdictional sales of gas, pursuant to the requirements of § 154.38(4)(d)(vi)(a) of the Commission's Regulations. Granite State states that the restated Base Tariff Rate will be in effect from April 1, 1980, and that collections thereunder would be subject to refund.

Granite State further states that its restated Base Tariff Rate is applicable to its sales to Northern Utilities, Inc., which is Granite State's sole jurisdictional customer.

According to Granite State, copies of its filing were served upon Northern Utilities and the regulatory commissions of the States of Maine and New Hampshire.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 25, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11163 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP78-391 etc.]

Great Plains Gasification Associates, et al.; Extending Time for Filing

Issued: April 4, 1980.

Great Plains Gasification Associates, successor to ANR Gasification Properties Company and PGC Coal Gasification Co. Docket No. CP78-391. Columbia Gas Transmission Corporation; Michigan Wisconsin Pipe Line Company; Natural Gas Pipeline Company of America; Tennessee Gas Pipeline Company, a Division of Tenneco Inc.; Transcontinental Gas Pipe Line Corporation Docket Nos. CP75-278 and CP77-556. Great Lakes Gas Transmission Company Docket No. CP75-283.

At the request of counsel for Great Plains Gasification Associates, and good cause therefor existing, the time limitation specified in Ordering Paragraph (E) of Opinion No. 69 for the filing of a *pro forma* gas tariff in accordance with the modifications required by the Commission is extended to and including April 18, 1980.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11164 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-320]

Illinois Power Co.; Filing

April 7, 1980.

The filing Company submits the following:

Take notice that on April 1, 1980, Illinois Power Company (Illinois Power) tendered for filing proposed Amendment No. 6, dated February 19, 1980 to the Interchange Agreement, dated March 15, 1973, between Iowa-Illinois Gas and Electric Company (IIGE) and Illinois Power.

Illinois Power indicates that this filing is made for an increase in Short-Term Firm Capacity and Short-Term Non-Firm Power reservation charges.

Illinois Power states that a copy of the filing was served upon IIGE, the Illinois Commerce Commission, and the Iowa State Commerce Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 28, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11165 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-318]

Iowa-Illinois Gas & Electric Co.; Filing

April 7, 1980.

The filing Company submits the following:

Take notice that Iowa-Illinois Gas and Electric Company (Company) on April 1, 1980, tendered for filing a First Amendment dated February 12, 1980, to a Facilities Agreement dated August 15, 1973, with Iowa Electric Light and Power Company (Iowa Electric), proposed to become effective June 1, 1980.

Company states the Amendment effects changes in certain billing determinates associated with additional investment in 161/69-kV transformation facilities at its Substation 56, in service since January 1, 1977, and revises the method of and payment for operation and maintenance charges related to these and other facilities from an as-billed to a percentage-of-investment basis. Company states the facilities are used in rendering service from its Substation 56 near Davenport, Iowa, to serve Iowa Electric's remote load in the City of Walcott, Iowa. The result of these adjustments, it is stated, is to reduce accumulated charges since January 1, 1977 by an estimated $5,350.20, and to increase annual charges by approximately $662.59, assuming an effective date as requested.

Company states copies of the filing have been mailed to Iowa Electric and to the Iowa State Commerce Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 28, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11166 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES80-40]

Iowa Southern Utilities Co.; Application

April 7, 1980.

Take notice on March 28, 1980, the Iowa Southern Utilities Company (Applicant), filed an application seeking an order pursuant to Section 204 of the Federal Power Act authorizing the guarantee of a 7 year loan in the amount of $5,000,000 for its wholly owned subsidiary Sidco, Inc.

Applicant is incorporated under the laws of the State of Delaware with its principal business office at Centerville, Iowa, and is engaged in the electric utility business in 24 counties in Iowa.

The proceeds from the loan will be used to purchase a 33% undivided interest in the coal cars of unit trains which are dedicated to hauling the coal from a mine in Wyoming to the Ottumwa Generating Station Unit #1 near Chillicothe, Iowa, of which the Company owns a 33% undivided interest.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 28, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11167 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-315]

Kansas City Power & Light Co.; Filing

April 7, 1980.

The filing Company submits the following:

Take notice that on April 1, 1980, Kansas City Power & Light Company (KCPL) filed with the Commission new increased Schedules of Rates and Charges for Firm Power Service to supersede and replace Schedules of Rates and Charges for Firm Power Service in contracts and agreements with the following wholesale customers:

1. Missouri Power & Light Company (MPL), FERC No. 73
2. City of Marshall, Missouri (Marshall), FERC No. 83
3. Missouri Public Service Company (MPS), FERC No. 74
4. City of Baldwin City, Kansas (Baldwin), FERC No. 85
5. City of Carrollton, Missouri (Carrollton), FERC No. 86
6. City of Gardner, Kansas (Gardner), FERC No. 79
7. City of Garnett, Kansas (Garnett), FERC No. 78
8. City of Higginsville, Missouri (Higginsville), FERC No. 72
9. City of Osawatomie, Kansas (Osawatomie), FERC No. 77
10. City of Ottawa, Kansas (Ottawa), FERC No. 70
11. City of Pomona, Kansas (Pomona), FERC No. 82
12. City of Prescott, Kansas (Prescott), FERC No. 76
13. City of Salisbury, Missouri (Salisbury), FERC No. 87
14. City of Slater, Missouri (Slater), FERC No. 81
15. Coffey County Rural Electric Cooperative Association, Inc. (Coffey County), FERC No. 69
16. United Electric Cooperative, Inc. (United), FERC No. 84

KCPL states that the proposed effective date for each new increased Schedule of Rates and Charges is June 1, 1980, and that the new Schedules of Rates and Charges reflect an increase of $7,379,313 in annual revenues to KCPL based on its cost of service to wholesale firm power customers during the 12-month test period ended May 31, 1981. Additionally, KCPL states that the changes embodied in the new Schedules of Rates and Charges include only increased rates for Demand and Energy Charges.

Any person desiring to be heard or to protest such filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission 825 North Capitol Street, N.E., Washington, D.C., 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 28, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of KCPL's submittal

are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11169 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP70-41]

Louisiana Interstate Gas Co.; Surrender of Exemption

April 7, 1980.

Take notice that on March 17, 1980, Louisiana Interstate Gas Company (Louisiana), P.O. Box 1352, Alexandria, Louisiana 71301, filed in Docket No. CP70-41 a surrender of the declaration of exemption issued pursuant to Section 1(c) of the Natural Gas Act in the instant docket on December 8, 1969, all as more fully set forth in the document which is on file with the Commission and open to public inspection.

Louisiana states that it had sought the declaration of exemption in anticipation of purchasing natural gas within or at the boundary of Louisiana from a person or persons legally authorized to transport in intrastate commerce or sell gas for resale in interstate commerce. Louisiana states that it never purchased natural gas in interstate commerce as would have been permitted under its exemption.

It is further stated that the mere existence of the declaration of exemption has raised questions regarding the status of Louisiana as an intrastate pipeline within the meaning of the Natural Gas Policy Act of 1978, particularly since the issuance of Commission Order No. 63 (45 FR 1872) on January 3, 1980, in Docket No. RM79-24. Louisiana, therefore, desires to surrender the subject Declaration of Exemption.

Any person desiring to be heard or to make any protest with reference to said surrender should on or before April 28, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11168 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-314]

Louisiana Power & Light Co.; Filing

April 7, 1980.

The filing Company submits the following:

Take notice that on March 31, 1980, Louisiana Power & Light Company (LP&L) tendered for filing an Electric System Interconnection Agreement dated May 23, 1979 with the City of Houma, Louisiana (City) which provides service schedules for Emergency Service Reserve Capacity, Supplemental Power, Surplus Power, Economy Power, and Transmission Service. 2 LP&L further states that the proposed agreement and schedules A, B, C, D, E, F, and F-I, are the same as accepted for filing in FERC Docket No. ER 76-162 with the City of Ruston (Rate Schedule FERC No. 54), in Docket ER76-868 with the Town of Rayville (Rate Schedule FERC No. 58), in Docket No. ER76-867 with the Town of Homer (Rate Schedule FERC No. 57), in Docket No. ER77-405 with the Town of Jonesboro (Rate Schedule FERC No. 59) in Docket No. ER77-404 with the City of Monroe (Rate Schedule FERC No. 60), and in Docket No. ER79-366 with the City of Minden (Rate Schedule FERC No. 63).

LP&L requests that the Agreement become effective June 1, 1980, the date included in the Agreement.

LP&L stated that a copy of this filing was mailed to the City of Houma, Louisiana, and the Louisiana Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N. E., Washington, D. C. 20426 in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 25, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11170 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-297]

Michigan Wisconsin Pipe Line Co.; Application

April 8, 1980.

Take notice that on March 25, 1980, Michigan Wisconsin Pipe Line Company (Mich Wisc), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP80-297 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities necessary to increase the daily deliverability of its Gapeby Creek Area and Woodward Area gathering systems, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the successful acquisition of new reserves in the Anadarko Basin of Kansas, Texas, and Oklahoma to offset declining deliverability of older reserves is contingent upon the availability of sufficient capacity in its gathering systems. Approximately 80,000 Mcf of additional capacity would be required to sustain gas reserve additions at the 200,000,000 Mcf per year level which was attained during 1978 and 1979, it is asserted.

In order to increase capacity of the Gapeby Creek system by approximately 35,000 Mcf per day, Applicant proposes to construct approximately 20.2 miles of 12¾-inch O.D. pipeline in Wheeler County, Texas, the pipeline looping an existing section of the 10-inch line (Trunk 485) between mile post 89.1 and mile post 109.3. The cost of the loop line is estimated at $3,364,970, Applicant states.

To attain the balance of the additional capacity, it is further proposed herein to increase the capacity of the Woodward Area system by approximately 45,000 Mcf per day by the construction of 28.9 miles of 20-inch O.D. loop line and the addition of 3,950 horsepower of compression. It is stated the loop line would comprise two sections, the first being located in Woodward County, Oklahoma, on the discharge side of Mich Wisc's Mooreland Compressor Station and extending 10.8 miles therefrom along Trunk 461. The second loop, it is asserted, would be located in Comanche County, Kansas, on the

discharge side of Mich Wisc's Buttermilk Compressor Station and extending 18.1 miles therefrom along Trunk 460. It is stated the additional 3,950 horsepower of compression would be comprised to two additional 1,000 horsepower class compressor units which are proposed to be installed at Mich Wisc's Lenora Compressor Station, an additional 1,200 horsepower class compressor unit proposed to be installed at Mich Wisc's Custer Station, and the uprating also at the aforementioned Custer Station of three existing compressor units from 750 horsepower of compression to 1,000 horsepower of compression. The instant proposal further includes minor yard modifications and new check measurement facilities which are necessary to increase the daily deliverability through Mich Wisc's Mooreland Compressor Station. The aforementioned Trunk 461 and Trunk 460 loop lines are estimated to cost $3,327,680 and $5,283,510, respectively, and the compression and station modifications are estimated to cost $4,827,650, it is asserted.

The total cost of the pipeline, compressor and station modification facilities described above is $16,836,630 which would be financed initially with treasury funds and other funds generated internally, together with borrowings from banks under short-term lines of credit as required, Mich Wisc states. Mich Wisc anticipates that any bank borrowings would subsequently be permanently financed as market conditions permit.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 30, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11171 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP78-23]

Midwestern Gas Transmission Co.; Filing of Tariff Sheets Pursuant to Commission Approved Stipulation and Agreement

April 7, 1980.

Take notice that on March 31, 1980, Midwestern Gas Transmission Company (Midwestern) tendered for filing the following tariff sheets to its FERC Gas Tariff, to be effective May 1, 1980:

Third Revised Volume No. 1

Twenty-Seventh Revised Sheet No. 5
Thirteenth Revised Sheet No. 5A
Sixth Revised Sheet Nos. 80, 81 and 82

Original Volume No. 2

Third Revised Sheet No. 37

Midwestern states that these tariff sheets reflect the terms and provisions of a Stipulation and Agreement dated April 18, 1979, as approved and amended by the Commission's letter order of July 10, 1979 and its order of February 21, 1980. Midwestern further states that the tariff sheets also reflect PGA and other rate adjustments, as well as other tariff changes accepted by the Commission in other dockets.

Midwestern states that copies of the filing have been mailed to all of its jurisdictional customers, affected state regulatory commissions and all parties in docket No. RP78-23.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with § 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 25, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11172 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-287]

Midwestern Gas Transmission Co.; Application

April 7, 1980.

Take notice that on March 20, 1980, Midwestern Gas Transmission Company (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP80-287 an application pursuant to Section 7(c) of the Natural Gas Act and Section § 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)) for a certificate of public convenience and necessity authorizing the construction during an indefinite period commencing with the date of an order in this proceeding and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas supplies, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in connecting to its pipeline system supplies of natural gas which may become available from various producing areas generally coextensive with its pipeline system or the systems of other pipeline companies which may be authorized to transport gas for the account of or exchange gas with Applicant and supplies of natural gas from Applicant's owned production or acquired for system supply under Sections 311 or 312 of the Natural Gas Policy Act of 1978.

Applicant states that the proposed facilities would not exceed 3 percent of Applicant's gas plant with the cost of single onshore and offshore projects not to exceed 25 percent of the total annual cost or $2,500,000 for onshore projects and $3,500,000 for offshore projects,

whichever is less. The cost of the proposed facilities, it is stated, would be financed from general funds or borrowings under revolving credit agreements.

Any person desiring to be heard or to take any protest with reference to said application should on or before April 25, 1980, file with the Federal Energy Regulatory Commission, washiington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise adivsed, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11173 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES80-44]

Montana-Dakota Utilities Co.; Application

April 7, 1980.

Take notice that on April 2, 1980, Montana-Dakota Utilities Company (Applicant), a corporation organized under the laws of the State of Delaware and qualified to do business in the States of Minnesota, Montana, North Dakota, South Dakota, and Wyoming, with its principal business office at Bismarck, North Dakota, filed an application with the Federal Energy Regulatory Commission, pursuant to Section 204 of the Federal Power Act, seeking an order for authority to issue 1,000,000 shares of Common Stock, par value $10, and 200,000 shares of Preferred Stock, without par value, via negotiated placement.

The net proceeds from the issuance and sale of the securities are to be used for the Applicant's construction program and other corporate purposes.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 30, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rule of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11174 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA80-2-49 (PGA80-2)]

Montana-Dakota Utilities Co.; Purchased Gas Cost Adjustment Filing

April 7, 1980.

Take notice that on March 31, 1980 Montana-Dakota Utilities Co. ("MCU"), 400 North Fourth Street, Bismarck, North Dakota 58501, submitted for filing as part of its FERC Gas Tariff the following tariff sheets:

Original Volume No. 4

Thirteenth Revised Sheet No. 3A

First Revised Volume No. 2

Sixth Revised Sheet No. 10

MDU states that this tariff filing is being made pursuant to its Purchased Gas Cost Adjustment Provision. Thirteenth Revised Sheet No. 3A provides for a reduction in MDU's total rate under Rate Schedules G-1, PR-1, and I-1. The proposed rate under Rate Schedules G-1 and PR-1 will decrease from the currently effective 220.292 cents per Mcf to a new rate of 194.884 cents per Mcf. The rate decrease under Rate Schedule I-1 will be from the currently effective 217.292 cents per Mcf to a new rate of 191.884 cents per Mcf.

Sixth Revised Sheet No. 10 provides for a total rate increase under Rate Schedule X-1 from 183.130 cents per Mcf to 201.372 cents per Mcf.

The proposed effective date for all the tariff sheets is May 1, 1980.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 in accordance with the §§ 1.8 and 1.10 of the Commission's rules of practice and procedures (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before April 25, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene. Copies of the filing are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11175 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP75-154]

Montana-Dakota Utilities Co.; Petition To Amend

April 7, 1980.

Take notice that on March 21, 1980, Montana-Dakota Utilities Co. (Petitioner), 400 North Fourth Street, Bismarck, North Dakota 58501, filed in Docket No. CP75-154 a petition to amend the order issued May 11, 1977,[1] in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the construction and operation of certain facilities, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that on July 3, 1975, it was granted temporary certificate authorization to construct and operate certain pipeline facilities in Montana, and to transport for and exchange gas with Kansas-Nebraska Natural Gas Company, Inc. (K-N). The temporary certificate was amended on October 6, 1975, to include additional purchase, transportation and exchange of gas, it is stated. It is further stated that on

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 100.1), it was transferred to the Commission.

December 27, 1976, Petitioner sought to amend the then pending application for construction so as to authorize the construction and operation of lesser facilities than were included in the original application. By order of May 11, 1977, Petitioner was authorized to construct the lesser facilities.

Petitioner proposes herein to construct and operate the following facilities which were constructed and which differ in ways not authorized. The certificate, it is stated, authorized the construction and operation of a compressor station at Vida, Montana, containing four compressor units totaling 1,980 horsepower, and the addition to the existing Saco compressor station of two compressor units with a total of 900 horsepower. Petitioner states the actual installation consisted of four compressor units at the Vida compressor station with a total of 2,400 horsepower, and two additional units at the Saco compressor station with a total of 1,200 horsepower.

Petitioner states that compressor availability, reduction of necessary inventory of spare parts, lower installation costs, interchangeability of units in case of unit failure and ease of training for operators were factors in selecting six identical units in place of those originally authorized.

The actual cost for the Vida station facilities was $1,551,376 and the actual cost for the Saco station facilities was $998,416.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 25, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11176 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST80-137]

Montana Power Co.; Application for Approval of Rates

April 7, 1980.

Take notice that on March 5, 1980, The Montana Power Company (Applicant), 45 East Broadway, Butte, Montana 59701, filed in Docket No. ST80-137 an application pursuant to Subpart F of Part 284 of the Commission's Regulations for approval of rates for oil displacement gas sales delivered to the farmer's Union Central Exchange (CENEX), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states it has enterered into an agreement with CENEX for the delivery of gas to CENEX through Montana-Dakota Utilities company (MDU). According to Applicant, the cost of the gas is based on its cost plus an allowance for transportation (including a reasonable return) to the point of delivery to MDU for Applicant.

Applicant states that the contract for sale to CENEX includes a transportation charge of 11.6 cents, in addition to the adjusted average acquisition cost of gas, plus an allowance of 4.267 percent of the Canadian border price for compressor fuel. Applicant further states the pricing, developed after arms' length bargaining with CENEX, is in compliance with the Commission's regulations.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 28, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11177 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-288]

Michigan Wisconsin Pipe Line Co.; Application

April 7, 1980.

Take notice that on March 20, 1980, Michigan Wisconsin Pipe Line Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP80-288 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of additional gas measurement facilities to be located at the existing TransOcean Oil Inc. (TransOcean) Grand Chenier processing plant in the vicinity of Lower Mud Lake, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that pursuant to gas sale contracts dated October 29, 1971, as amended September 6, 1978, and dated June 4, 1974, as amended November 15, 1977, and September 6, 1978, it purchases from TransOcean gas reserves underlying the West Cameron area 171, offshore Louisiana (Block 171). The gas supplies are delivered by TransOcean to Applicant through Applicant's pipeline and are delivered for processing at the Grand Chenier plant. Since the commencement of gas deliveries during 1978 from High Island Offshore System (HIOS) to Applicant, the production attributable to Block 171 gas has been commingled with the gas from HIOS. It is stated that the commingled gas currently being delivered into and redelivered from the Grand Chenier processing plant is measured by six 6-inch turbine meter runs (3 inlet and 3 outlet).

Applicant proposes to construct and operate two additional inlet and two additional outlet meter runs at the Grand Chenier plant. Applicant states it is obligated to deliver to the Grand Chenier processing plant a quantity of gas which would enable TransOcean to recover the liquefiable hydrocarbons contained in its deliveries to Applicant. Because the gas which Applicant receives from HIOS contains less hydrocarbon constituents, Applicant must redeliver to TransOcean volumes in excess of the design capacity of Applicant's metering facilities in measuring input and output of the Grand Chenier plant, it is stated. It is further stated that the additional volumes of gas have necessitated bypassing Applicant's

metering facilities and using plant orifice meters operated by TransOcean. Thus, the construction and operation of additional measuring facilities would allow Applicant to reactivate its metering system and have design capacity sufficient to measure the flow of gas through the processing plant and allocate shrinkage, it is asserted.

The estimated cost of the proposed facilities would be $262,440, it is stated. This cost, Applicant asserts, would be financed from funds on hand, funds generated internally, borrowings under revolving credit agreements or short term financing.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 28, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to praticipate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11178 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-291]

Northwest Pipeline Corp.; Application

April 8, 1980.

Take notice that on March 24, 1980, Northwest Pipeline Corporation (Applicant), 315 East Second South, Salt Lake City, Utah 84111, filed in Docket No. CP80-291 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the modification and operation of certain facilities for the delivery of natural gas within existing contract quantities to Northwest Natural Gas Company (Northwest Natural), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to modify an existing meter station at Deer Island, Oregon, so that additional authorized sales volumes up to 155,000 Mcf per day could be delivered to Northwest Natural at this delivery point. Applicant states that with such modification at the meter station, it would be able to continue delivery of volumes pursuant to Applicant's currently effective Rate Schedule ODL-1 for firm service along with providing deliveries of additional volumes pursuant to its Rate Schedule IOS-1 for interruptable services. It is stated that the currently authorized firm service which Applicant provides to Northwest Natural at Deer Island, Oregon, is for volumes of up to 22,835 Mcf per day. Any deliveries in excess of the 22,835 Mcf of firm service would be made pursuant to Applicant's currently effective Rate Schedule IOS-1 for interruptable service, it is asserted.

Applicant states this additional delivery capability would enable Northwest Natural to receive sufficient volumes of interruptable gas to provide Portland General Electic (Portland General) with a full supply for existing electric power generation facilities. It is staed that Northwest Natural would need the capability to receive additional interruptable supply to serve Portland General beginning May 1, 1980, which service would be provided from May 1 through September 30, in each of the next five years.

Applicant states that the estimated cost of modification to the Deer Island meter station is $94,000. It is further stated that Northwest Natural has agreed to reimburse Applicant for cost of modification of the facilities.

Specifically, Applicant proposes to install two meter runs and appurtenant facilities at the existing meter station in Cowlitz County, Washington, which would enable Applicant to deliver the additional volumes to Northwest Natural at the Columbia County, Oregon, delivery point.

Any person desiring to be heard or to take any protest with reference to said application should on or before April 30, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11179 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES80-41]

Pacific Power & Light Co.; Application

April 7, 1980.

Take notice that on April 1, 1980, Pacific Power & Light Company (Applicant), a Maine corporation, qualified to transact business in the states of Oregon, Wyoming, Washington, California, Montana and Idaho, with its principal business office at Portland, Oregon, filed an application with the Federal Energy Regulatory Commission, pursuant to Section 204 of the Federal Power Act, seeking an order

authorizing it to issue up to 4.2 million shares of its Common Stock, par value 3.25 per share, and exempting the issuance thereof from the competitive bidding requirements of Section 34.1a of the Commission's Regulations. The net proceeds will be used to retire short-term indebtedness.

Any person desiring to be heard or to make any protest with reference to this application should, on or before April 30, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11180 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-310]

Pennsylvania Electric Co., et al.; Filing

April 7, 1980.

Pennsylvania Electric Company, Metropolitan Edison Company, Jersey Central Power & Light Company, Docket No. ER80-310.

The filing Company submits the following:

Take notice that on March 31, 1980, the GPU Service Corporation tendered for filing, on behalf of the above listed utilities, Proposed Revision 6 of Schedule 4.01 of the existing Agreement among them, dated July 21, 1969.

The GPU Service Corporation states that Schedule 4.01 defines the installed capacity obligations within GPU and sets forth the weekly rate per kilowatt on which payments shall be based for deficiency of capacity among the GPU System Companies.

The GPU Service Corporation further states that the revision to this Schedule is proposed to conform with changes, submitted to the FERC, in the Pennsylvania-New Jersey-Maryland Interconnection Agreement to which the GPU System Companies are signatories.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protests with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 25, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11181 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-317]

Pennsylvania-New Jersey-Maryland Interconnection (PJM) Agreement; Filing

April 7, 1980.

The filing Company submits the following:

Take notice that on April 1, 1980, the parties to the Pennsylvania-New Jersey-Maryland Interconnection (PJM) Agreement tendered for filing proposed Schedule 4.01 Revision No. 3 to the original Agreement between them as heretofore amended and supplemented, which is filed with the Commission under the following Rate Schedule designations:

Rate Schedule	FPC No.
Public Service Electric & Gas Company	23
Philadelphia Electric Company	21
Pennsylvania Power & Light Company	21
Baltimore Gas & Electric Company	9
Jersey Central Power & Light Company	7
Metropolitan Edison Company	7
Pennsylvania Electric Company	24
Potomac Electric Power Company	19

The PJM parties state that proposed Schedule 4.01 sets forth the rate for capacity deficiency transactions under the PJM Agreement for the 12-month Planning Period beginning June 1, 1980.

The PJM parties further state that no new facilities will be installed nor will existing facilities be modified in connection with the proposed schedule. It is requested that the proposed schedule become effective on June 1, 1980.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protests with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protest should be filed on or before April 28, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11182 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-311]

Public Service Co. of Oklahoma; Filing

April 7, 1980.

The filing Company submits the following:

Take notice that on March 31, 1980, Public Service Company of Oklahoma, tendered for filing a Letter Agreement dated January 16, 1980 between PSO and Arkansas Power and Light Company (AP&L) which provides for PSO to transfer 209,300 megawatthours of its entitlement for the 1980 summer exchange period. This entitlement, provided for in the agreement between Tennessee Valley Authority and the Mississippi Power and Light Company and for delivery of the allocated diversity capacity and energy within the South Central Electric Companies' agreement rate schedule FERC No. 118 with Southwestern Electric Power. PSO states that it desires to transfer the energy and accompanying capacity entitlement to reduce its excess reserves in 1980 and AP&L desires to purchase this entitlement for its system requirements in the summer exchange period.

PSO requests the proposed sale to become effective as of May 25, 1980.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 25, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will

not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11183 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-323]

Public Service Co. of Oklahoma; Filing

April 7, 1980.

The filing Company submits the following:

Take notice that on April 1, 1980, the Public Service Company of Oklahoma (PSO) tendered for filing a letter agreement dated, June 23, 1971 between PSO and Associated Electric Cooperative, Inc. (AEC) amending the Letter Agreement, a supplement to the Interconnection Agreement between PSO and AEC which is on file with the Commission as Supplement No. 1 to Supplement No. 3 to Rate Schedule FPC No. PSO 186. The Letter Agreement provides for increase in capacity rate for sale of unit capacity by PSO to AEC.

PSO states that the change being made in the proposed capacity rate is as agreed to by both parties in the Letter Agreement. The Agreement provides for an increase in the capacity rate every three (3) years.

The effective date for the proposed change is June 1, 1980.

Any person desiring to be heard or to protest, said filing, should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 28, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11184 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket ER80-313]

Public Service Co. of New Mexico; Filing

April 7, 1980.

The filing Company submits the following:

Take notice that Public Service Company of New Mexico (PNM), on March 31, 1980, tendered for filing proposed changes in its FERC PNM Rate Schedule 2.2, which provides rates to the wholesale customer, City of Gallup, New Mexico. The proposed changes would increase revenues from the sales and services to Gallup by $2,102,920 on the basis of PNM's sales during Period II.

The Company estimates its rate of return under the rates proposed, but not in effect, in FERC Docket ER79-478 under Period II would be 5.9 percent. The rate of return on equity under the rates presently in effect for the 12 months ended September 30, 1979, is negative 10.89 percent. This rate of return is inadequate and totally fails to compensate the Company for its cost. More importantly, however, it does not enable the Company to generate funds necessary to meet its construction program required to meet its growth.

Copies of the filing were served upon the public utility's jurisdictional customers being served under this rate schedule and the New Mexico Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 25, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11185 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-294]

Southern Natural Gas Co.; Application

April 7, 1980.

Take notice that on March 24, 1980, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP80-294 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon in place 1.2 miles of 6-inch pipeline and appurtenant facilities, which is a portion of Applicant's Big Point Field line located in Lake Pontchartrain, St. Tammany Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it would abandon in place the portion of the Big Point Field line that extends from the upstream starting point of said line to a point in the vicinity of Applicant's Mile Post 1.17 on the line, all of which is located in Lake Pontchartrain. Applicant states that the Big Point Field line was originally utilized by Applicant to transport gas reserves committed to Applicant from the Big Point Field, St. Tammany Parish, Louisiana. Applicant states that after these reserves were depleted a portion of the Big Point Field line, the portion for which it seeks abandonment authorization, was damaged beyond repair by shell-dredging operatings in Lake Pontchartrain.

Applicant further states that even though Applicant cannot utilize the damaged portion of this line, the remainder of the Big Point Field line, for which Applicant does not seek abandonment authorization, is being utilized and shall continue to be utilized for transportation services involving other gas reserves in the Big Point Field area. It is stated that the proposed abandonment would not result in any termination of service currently conducted on the Big Point Field line.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 25, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the

Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11186 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-49 Docket No. RP78-36]

Southern Natural Gas Co.; Proposed Changes in FPC Gas Tariff

April 7, 1980.

Take notice that Southern Natural Gas Company (Southern) on March 31, 1980 tendered for filing Fortieth Revised Sheet No. 4-A to its FPC Gas Tariff, Sixth Revised Volume No. 1 to become effective May 1, 1980. Southern states that the revised sheet is being submitted to comply with the Federal Energy Regulatory Commission's (Commission) Opinion No. 83 issued March 27, 1980, in Docket No. RP78-36. The rate filing does not make any change in Southern's total cost of service as previously submitted in Docket No. RP80-49. Rather, the filing commences the second step of the phase-out of the mileage based rate zones on Southern's system as provided for in Opinion No. 83.

The rates shown on Fortieth Revised Sheet No. 4-A will result in a net annual decrease in jurisdictional revenues of approximately $996,000 from the rates currently in effect in Docket No. RP80-49.

Copies of the filing are being served upon the Company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 25, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11187 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA80-2-41 PGA80-2]

Southwest Gas Corp.; Change in Rates Pursuant to Purchased Gas Cost Adjustment

April 7, 1980.

Take notice that Southwest Gas Corporation ("Southwest") on April 1, 1980 tendered for filing Substitute Eighth Revised Sheet No. 10 pursuant to Section 9, Purchased Gas Adjustment Clause ("PGA"), of the General Terms and Conditions contained in its FERC Gas Tariff, Original Volume No. 1. The purpose of said filing is to reflect a reduction in rates from those as originally filed by Southwest on February 21, 1980 in Docket No. TA80-2-41, due to settlement of Northwest Pipeline Corporation's general rate case proceeding at Docket No. RP79-57. Southwest states that the reduced rates result in a decrease of .839¢ per therm in Southwest's rates when compared to those as originally filed on February 21, 1980.

Southwest has requested waiver of its PGA provisions and applicable Commission Regulations as necessary to permit Southwest to track its supplier's reduced rates on April 1, 1980. Southwest states that a copy of this filing has been mailed to the Nevada Public Service Commission, the Californai Public Utilities Commission, Sierra Pacific Power Company and CP National.

Any person desiring to be heard, or to protest said filing, should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 25, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11188 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-284]

Texas Gas Transmission Corp.; Application

April 7, 1980.

Take notice that on March 18, 1980, Texas Gas Transmission Corporation (Applicant), P.O. Box 1160, Owensboro, Kentucky 42301, filed in Docket No. CP80-284 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 0.67 mile of 6⅝-inch O.D. pipeline across the Ohio River between Hancock County, Kentucky, and Perry County, Indiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that its service to existing customers in the Cannelton and Tell City, Indiana, area is totally dependent on one 8-inch pipeline crossing of the Ohio River at this location. The United States Army Corps of Engineers has completed a series of locks and dams along the Ohio River, one of the dams being located approximately 3.8 miles upstream of Applicant's existing 8-inch river crossing, it is stated. Applicant asserts that the changes in river action brought about by the dams caused severe bank erosion. Applicant further asserts that such bank erosion coupled with ever increasing river traffic makes the river crossing susceptible to damage.

A loss of the existing 8-inch line at the aforementioned location would result in the interruption of service to customers in the Cannelton and Tell City, Indiana, service areas for a period of at least two months, it is said. Applicant submits that the construction of the proposed 6⅝-inch O.D. pipeline crossing would reduce the danger of such a service interruption. The total estimated cost of the proposed construction is $461,000, it is said. Applicant further asserts that such cost would be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 25, 1980, file with the Federal Energy

Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11189 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP77-435]

Transcontinental Gas Pipe Line Corp.; Amendment to Application

April 7, 1980.

Take notice that on March 25, 1980, Transcontinental Gas Pipeline Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP77-435 pursuant to Section 7(c) of the Natural Gas Act an amendment to its pending application in said docket so as to reflect the addition of a point of redelivery to United Gas Pipe Line Company (United) at Starks, Calcasieu Parish, Louisiana, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that, pursuant to a temporary certificate issued in the instant docket on August 3, 1977, it is presently authorized to transport for United up to 90,000 Mcf of natural gas per day produced in Vermilion Area Block 22, offshore Louisiana, and delivered into Applicant's Central Louisiana gathering system onshore in the Pecan Island area, Vermilion Parish through facilities owned jointly by Applicant, Florida Gas Transmission Company, and Sea Robin Pipeline Company. Applicant states that it receives the gas at the Pecan Island location and redelivers equivalent volumes to or for the account of United at interconnections between the systems of Applicant and United located in Victoria County, Texas, and Acadia Parish, Louisiana, and the interconnection between Applicant's system and the system of Tennessee Gas Pipeline Company, a Division of Tenneco Inc. located near Crowly, Acadia Parish, Louisiana.

Applicant proposes to establish an additional point of delivery to United located at the existing interconnection between the facilities of Applicant and United at Starks, Calcasieu Parish, Louisiana. It is asserted that such additional receipt point would provide United with greater operational flexibility.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before April 28, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11190 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-17]

United Gas Pipe Line Co.; Informal Conference

April 7, 1980.

Take notice that on April 18, 1980, at 1:30 p.m., an informal conference will be held on the certificate application filed by United Gas Pipe Line Company in Docket No. CP80-17. The conference will be held in a hearing room at the Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11191 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-295]

United Gas Pipe Line Co.; Application

April 7, 1980.

Take notice that on March 25, 1980, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP80-295 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 4.69 miles of 4-inch loop pipeline in Vernon Parish, Louisiana, and for permission and approval to abandon a 220 horsepower compressor, also situated in Vernon Parish, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Specifically, Applicant proposes to construct and operate a 4-inch loop line which would be installed parallel with Applicant's existing 4-inch pipeline serving Leesville and Hornbeck, Louisiana, commencing at a point south of Leesville, extending southerly and looping the remaining portion of the said existing 4-inch line.

Additionally, Applicant requests permission to abandon its existing Leesville Compressor Station, which is located in Section 35, Township 1 North, Range 9 West, Vernon Parish, Louisiana.

Applicant states that the existing 4-inch Leesville line cannot maintain adequate peak hour service to Applicant's customers in Leesville and Hornbeck without fully utilizing the available horsepower of the Leesville Compressor Station. Applicant asserts that installation of the proposed loop line would enable it to meet the current and future deliverability requirements of its customers served by the Leesville line without the need for the Leesville compressor. Applicant further asserts that the loop line would provide greater reliability than the existing compressor can provide, without incurring the additional expense of maintenance costs, it is said.

The estimated cost of the proposed loop line is $496,000 which cost would

be financed from Applicant's funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 28, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.70). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permissiona and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11190 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA80-2-52 (PGA80-2)]

Western Gas Interstate Co.; Proposed PGA Rate adjustment

April 7, 1980.

Take notice that on Mar. 31, 1980, Western Gas Interstate Company ("Western") filed herein Fourteenth Revised Sheet No. 3A to its FERC Gas Tariff, Original Volume No. 1. Said tariff sheet is proposed to become effective on May1, 1980.

Western states the proposed increase in rates is being filed in accordance with its Tariff's PGA clause which permits the recovery of increases in the cost of gas and of unrecovered purchased gas cost. Western further states the proposed Purchase Gas Cost Adjustment for the Northern Division is 15.79 cents per Mcf. The proposed surcharge adjustment is 8.93 cents per Mcf for the Northern Division and <11.52> cents per Mcf for the Southern Division; the surcharge adjustments will only be effective over the six-month period May 1, 1980 through October 31, 1980.

Any person desiring to be heard and to make any protest with reference to said filing should file a petition to intervene or protest with the federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, D.C., 20426, in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 25, 1980. Protests will be considered by the commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Wester's filing is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-11193 Filed 4-11-80; 8:45 am]

BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1461-4; OPTS-51049]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This notice announces receipt of three PMN's and provides a summary of each.

DATE: Written comments by May 18, 1980.

ADDRESS: Written comments to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, 202-755-8050.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Smith, Premanufacturing Review Division (TS-794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, 202-426-8816.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under Section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notice of availability of the Initial Inventory was published in the **Federal Register** of May 15, 1979 (44 FR 28558). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the **Federal Register** issues of January 10, 1979 (44 FR 2242) and October 6, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in Section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the **Federal Register** nonconfidential information on the identity and uses of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the

chemical. EPA will publish the generic name, the generic use, and the potential exposure descriptions in the **Federal Register.**

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended **Federal Register** notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register.**

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, Summaries of the data taken from the PMN's are published herein.

Interested persons may, on or before May 18, 1980, submit to the Document Control Officer (TS–793), Rm. E–447, Office of Pesticide and Toxic Substances, 401 M St., SW, Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The Comments are to be identified with the document control number "[OPTS–51049]" and the specific PMN number. Comments received may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: April 8, 1980.

John P. DeKany,

Deputy Assistant Administrator for Chemical Control.

PMN 80–60.

Close of Review Period. June 17, 1980.

Manufacturer's Identity. Morton Chemical, 2 North Riverside Plaza, Chicago, IL 60606.

Specific Chemical Identity. Polymer of butyl acrylate, 2-hydroxyethyl acrylate, methyl acrylate, and methyl methacrylate.

Data. The following summary is taken from data submitted by the manufacturer in support of claims made in the PMN.

Use. Overprint coating.

Production Estimates.

Production year	Kilograms	
	Minimum	Maximum
July 1980–June 1981	10,000	150,000
July 1980–June 1982	20,000	200,000
July 1982–June 1983	40,000	400,000

Physical/Chemical Properties

Percent Solids	45 percent.
pH	8.0.
Viscosity	200 cps.
Density	1.05.
Residual monomer	0.2 percent maximum.
Odor	Characteristic.
Appearance	Off-white emulsion.
Molecular weight	Minimum average 52,000.

Toxicity Data

All reactive monomers	LD_{50} (rat) [1]	PEL [2] (ppm)	TWAE [3] (ppm)	TLV [5] (ppm)
Methyl methacrylate.	Intraperitoneal 1,328 mg/kg.	[4]100		
Methyl acrylate.	Oral-300 mg/kg	10		
Butyl acrylate.	Oral-3,730 mg/kg			10
2-Hydroxyethyl acrylate.	Oral-650 mg/kg		5	

[1] LD_{50} values are from the 1978 National Institute of Occupational Safety Hazard Registry of Toxic Effects.
[2] Permissible exposure limit.
[3] Time weighted average exposure recommended by manufacturer.
[4] Part per million.
[5] Threshold limit value.

Exposure.

Activity	Exposure route	Maximum number exposed	Maximum duration		Concentration	
			Hour/day	Day/year	Average	Peak
Manufacturing	Dermal	6	1	90	0–1 mg/m³	1–10 mg/m³

Occupational.

The six employees will be involved in sampling of material for quality analysis, analysis of material to ensure quality, and clean-up of filtering operations.

All exposures are anticipated to be negligible. Physical states of the chemical substance to which workers may be exposed: Solid or dispersed solid water.

Activity	Exposure route	Maximum number exposed	Maximum duration		Concentration	
			Hour/day	Day/year	Average	Peak
Processing	Dermal	2	1	20	0–1 mg/m³	1–10 mg/m³

Workers will be involved in sampling of material for analysis and analysis of material to insure quality.

Physical states of the chemical substance to which workers may be exposed: Solid or dispersed solid in water.

Disposal	Dermal	2	1	20	0–1 mg/m³	1–10 mg/m³

Workers will be involved in sampling of material for analysis and analysis of material to insure composition.

Physical states of the chemical substance to which workers may be exposed: Solid or dispersed solid in water.

Environmental Release/Disposal

Manufacturing

Media	Amount of chemical release
Air	Less than 10 kg/yr.
Water	Less than 10/kg/yr.
Land	1,000/10,000 kg/yr.

Wetted polymer is retained in holding tank then landfilled by an outside source in accordance with local, state, and Federal regulations.

Processing

Media	Amount of chemical release
Air	Less than 10 kg/yr.
Water	Less than 10/kg/yr.
Land	10/100 kg/yr.

Release is for substance contained in coated paper or filters which is placed in landfill.

PMN 80–59.

Close of Review Period. June 17, 1980.

Manufacturer's Identity. Morton Chemical, 2 North Riverside Plaza, Chicago, IL 60606.

Specific Chemical Identity. Polymer of methyl methacrylate, methyl acrylate, styrene, 2-ethylhexyl acrylate, and 2-hydroxyethyl acrylate.

Data. The following summary is taken from data submitted by the manufacturer in support of claims made in the PMN.

Use. Overprinting coatings.

Production Estimates

Production year	Kilograms	
	Minimum	Maximum
First year, July 1980	20,000	250,000
Second year, July 1981	40,000	400,000
Third year, July 1982	45,000	450,000

Physical/Chemical Properties

Percent solids	45 percent.
ph	2.5.
Viscosity	250 cps.
Density	1.050.
Residual monomer	0.2 percent maximum.
Odor	Characteristic.
Appearance	Off-white emulsion.
Molecular weight	Minimum average 100,000.

Toxicity data

All reactive monomers	LD_{50} (rat)	PEL (PPM)	TWAE (PPM)
Methyl methacrylate	Intraperitoneal 1,328 mg/kg.	100	
Methylacrylate	Oral-300 mg/kg	10	
Styrene	Oral-5,000 mg/kg	100	
2-Ethylhexyl acrylate	Oral-5,660 mg/kg		5
2-Hydroxyethyl acrylate.	Oral-650 mg/kg		5

Exposure.

Activity	Exposure route	Maximum number exposed	Maximum duration		Concentration	
			Hour/day	Day/year	Average	Peak
Manufacturing	Dermal	6	1	90	0–1 mg/m³	1–10 mg/m³

Occupational.The six employees will be involved in sampling of material for quality analysis, analysis of material to ensure quality, and clean-up of filtering operations.

All exposures are anticipated to be negligible. Physical states of the chemical substance to which workers may be exposed: Solid or dispersed solid water.

Activity	Exposure route	Maximum number exposed	Maximum duration		Concentration	
			Hour/day	Day/year	Average	Peak
Processing	Dermal	2	1	20	0–1 mg/m³	1–10 mg/m³

Workers will be involved in sampling of material for analysis and analysis of material to insure quality.

Physical states of the chemical substance to which workers may be exposed: Solid or dispersed solid in water.

Activity	Exposure route	Maximum number exposed	Maximum duration		Contcentration	
			Hour/day	Day/year	Average	Peak
Disposal	Dermal	2	1	20	0–1 mg/m³	1–10 mg/m³

Workers will be involved in sampling of material for analysis and analysis of material to insure composition.

Physical states of the chemical substance to which workers may be exposed: Solid or dispersed solid in water.

Environmental Release/Disposal

Manufacturing

Media	Amount of chemical release
Air	Less than 10 kg/yr.
Water	Less than 10/kg/yr.
Land	10–10,000 kg/yr.

Wetted polymer is retained in holding tank then landfiled by an outside source in accordance with local, state, and Federal regulations.

Processing

Media	Amount of chemical release
Air	Less than 10 kg/yr.
Water	Less than 10 kg/yr.
Land	10–10,000 kg/yr.

Release is for substance contained in coated paper or filters which is placed in landfill.

PMN 80–61.

Close of Review Period. June 17, 1980.

Manufacturer's Identity. Morton Chemical, 2 North Riverside Plaza, Chicago, IL 60606.

Specific Chemical Identity. Polymer of acrylonitrile, butyl acrylate, methyl acrylate, and 2-hydroxyethyl acrylate.

Date. The following summary is taken from data submitted by the manufacturer in support of claims made in the PMN.

Use. The substance will be used as laminating adhesive (50% of production) and as let down vehicle (ink) (50% of production).

Production Estimates

Production year	Kilograms	
	Minimum	Maximum
July 1980-June 1981	10,000	150,000
July 1981-June 1982	20,000	200,000
July 1982-June 1983	40,000	400,000

Physical/Chemical Properties

Percent Solids	46 percent.
pH	3.
Viscosity	450 cps.
Density	1.04.
Residual monomer	0.2 percent maximum.
Odor	Characteristic.
Appearance	Off-white emulsion.
Molecular weight	Minimum average 400,000.

Toxicity Data

All reactive monomers	LD_{50} (rat)	PEL (ppm)	TWAE (ppm)	TLV (ppm)
Butyl acrylate	Oral-3,730 mg/kg			10
Methyl acrylate	Oral-300 mg/kg		10	
Acrylonitrile	Oral-82 mg/kg2		2	
2-Hydroxyethyl acrylate	Oral-650 mg/kg			5

Exposure.

Activity	Exposure route	Maximum number exposed	Maximum duration		Concentration	
			Hour/day	Day/year	Average	Peak
Manufacturing	Dermal	6	1	90	0-1 mg/m³	1-10 mg/m³

Occupational. The six employees will be involved in sampling of material for quality analysis, analysis of material to ensure quality, and clean-up of filtering operations.

All exposures are anticipated to be negligible. Physical states of the chemical substance to which workers may be exposed: Solid or dispersed solid water.

Activity	Exposure route	Maximum number exposed	Maximum duration		Concentration	
			Hour/day	Day/year	Average	Peak
Processing	Dermal	2	1	90	0-1 mg/m³	1-10 mg/m³

Workers will be involved in sampling of material for analysis and analysis of material to insure quality.

Physcial states of the chemical substance to which workers may be exposed: Solid or dispersed solid in water.

Activity	Exposure route	Maximum number exposed	Maximum duration		Concentration	
			Hour/day	Day/year	Average	Peak
Disposal	Dermal	2	1	20	0-1 mg/m³	1-10 mg/m³

Workers will be involved in sampling of material for analysis and analysis of material to insure composition.

Physical states of the chemical substance to which workers may be exposed: Solid or dispersed solid in water.

Environmental Release/Disposal

Manufacturing

Media	Amount of chemical release
Air	Less than 10 kg/yr.
Water	Less than 10/kg/yr.
Land	1,000-10,000 kg/yr.

Wetted polymer is retained in holding tank then landfilled by an outside source in accorance with local, state, and Federal regulations.

Processing

Media	Amount of chemical release
Air	Less than 10 kg/yr.
Water	Less than 10/kg/yr.
Land	10-100 kg/yr.

Release is for substance contained in coated paper or filters which is placed in landfill.

[FR Doc. 80-11105 Filed 4-11-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1461-1; OPP-50472]

Issuance of Experimental Use Permits

The Environmental Protection Agency (EPA) has issued an experimental use permit to the following applicants under the Federal Insecticide, Fungicide, and Rodenticide Act. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 239-EUP-78. Chevron Chemical Co., Richmond, CA 94804. This experimental use permit allows the use of 16,000 pounds of the herbicide thiobencarb on rice to evaluate control of barnyard grass and sprangletop. A total of 4,000 acres are involved. This program is authorized only in the State of California. The experimental use permit is effective from March 21, 1980 to June 30, 1981. A temporary tolerance for residues of the active ingredient and its metabolite 4-chlorobenzyl methylsulfone in or on rice grain has been established. (PM-23, Willa Y. Garner, Room: E-351, Telephone: 202/755-1397)

No. 201-EUP-58. Shell Oil Co., Washington, D.C. 20036. This experimental use permit allows the use of 224 pounds of the insecticide cyano(3-phenoxyphenyl)methyl 4-chloro-alpha-(1-methyl-ethyl)benzeneacetate to evaluate control of pear psylla, codling moth, pear slug, pear rust mite, and leafrollers on pears. A total of 150 acres are involved. The program is authorized only in the States of California, Michigan, New York, Oregon, Pennsylvania, and Washington. The experimental use permit is effective from March 21, 1980 to March 21, 1981. A temporary tolerance for residues of the active ingredient in or on pears has been established. (PM-17, Franklin D. R. Gee, Room: E-341, Telephone: 202/426-9417)

Persons wishing to review the experimental use permits 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: April 4, 1980.

Douglas D. Campt,

Director, Registration Division Office of Pesticide Programs.

[FR Doc. 80-11107 Filed 4-11-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1461-3; OPP-30177]

Receipt of Applications To Register Pesticide Products Containing New Active Ingredient

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Applications have been submitted to the EPA to register pesticide products containing active ingredients which have not been included in any previously registered pesticide products.

SUPPLEMENTARY INFORMATION: Notice of approval or denial of the applications to register these pesticide products will be announced in the **Federal Register.** Except for such material protected by section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (92 Stat. 819; 7 U.S.C. 136) and the regulations thereunder (40 CFR 162), the test data and other scientific information deemed relevant to the registration decision may be made available after approval under the provisions of the Freedom of Information Act. The procedure for requesting such data will be given in the **Federal Register** if an application is approved. Notice of receipt of these applications does not indicate a decision by the Agency on the applications.

COMMENTS/INQUIRIES: Interested persons are invited to submit written comments on these applications. Comments may be submitted, and inquiries directed, to the designated Product Manager (PM), Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M St., SW, Washington, DC 20460, or by telephone at the numbers cited. The comments must be received within 30 days from the date of application of this notice in the **Federal Register** (May 14, 1980) and should bear a notation indicating the EPA file symbol. Comments received within the specified time period will be considered before a final decision is made; comments received after the specified time period will be considered only to the extent possible without delaying processing of the application. The labels furnished by the applicants, as well as all written comments filed pursuant to this notice, will be available for public inspection in the Product Manager's office from 8:30 a.m. to 4 p.m., Monday through Friday, excluding holidays.

Dated: April 7, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

Applications Received

EPA File Symbol 3125-GEA. Mobay Chemical Corp., Agricultural Chemicals Div., P.O. Box 4913, Kansas City, MO 64120. Amaze technical. Active Ingredient: 2-[[ethoxyl[(1-methylethyl)amino] phosphinothioyl]oxy]benzoate 90%. Application proposes that this pesticide be used in insecticide formulations only. PM16 Mr. William Miller, Room E-343 (202—426-0458).

EPA File Symbol 3125-GEE. Mobay Chemical Corp. Amaze 6 emulsifiable insecticide. Active Ingredient: 1-methylethyl 2-[[ethoxy[(1-methylethyl)amino]phosphinothioyl]oxy]-b
enzoate 66%. Application proposes that this product be classified for restricted use to control corn rootworm on corn. PM16. Mr. William Miller, Room E-343 (202-426-9458).

EPA File Symbol 3125-GEU. Mobay Chemical Corp. Amaze 20% granular. Active ingredient: 1-methylethyl 2-[[ethoxyl[(1methylethyl) amino]phosphinothioyl]oxy]benzoate 20%. Application proposes that this product be classified for general use on corn to control corn rootworm and on turf grasses to control Japanese beetle larvae. PM16. Mr. William Miller, Room E-343 (202-426-9458).

EPA File Symbol 3125-GEG. Mobay Chemical Corp. Amaze 15% granular. Active ingredient: 1-methylethyl 2-[[ethoxyl[(1-methylethyl) amino]phosphinothioyl]oxy]benzoate 15%. Application proposes that this product be classified for general use on corn to control corn rootworm and on turf grasses to control Japanese beetle larvae. PM16. Mr. William Miller, Room E-343 (202-426-9458).

[FR Doc. 80-11106 Filed 4-11-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1460-6]

Science Advisory Board, Environmental Measurements Committee; Open Meeting

As required by Pub. L. 92-463, notice is hereby given that a meeting of the Environmental Measurement Committee of the Science Advisory Board will be held on April 30 and May 1, beginning at 8:30 a.m. and on May 2, 1980, beginning at 10:30 a.m. The meeting will be held in Conference Room 107 of the Environmental Research Center, 26 West St. Clair, Cincinnati, Ohio. The Committee is meeting to review programs of the Environmental Monitoring and Support Laboratory at the Environmental Research Center, particularly those in the areas of water physical, chemical and biological methods of measurement, quality assurance and instrumentation development.

The meeting is open to the public. Anyone wishing to attend, participate, or obtain information should contact Ms. Lindeke Trumbly, Staff Assistant or Dr. Douglas Seba, Executive Secretary, Environmental Measurements Committee, at (202) 472-9444 by April 23, 1980.

Richard M. Dowd,

Staff Director, Science Advisory Board.

April 2, 1980.

[FR Doc. 80-11102 Filed 4-11-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1461-5; PP 6G1836/T231]

2-(M-Chlorophenoxy) Propionic Acid; Renewal of Temporary Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the renewal of temporary tolerances for residues of the plant growth regulator 2-(*m*-chlorophenoxy) propionic acid on certain raw agricultural commodities at various tolerance levels. The renewal was requested by Union Carbide Agricultural Products Co.

FOR FURTHER INFORMATION CONTACT: Willa Garner, Product Manager (PM) 23, (TS-767), Room 351, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., S.W., Washington, DC 20460, 202-755-1397.

SUPPLEMENTARY INFORMATION: On April 13, 1978, the Environmental Protection Agency (EPA) announced (43 FR 15487) the establishment of temporary tolerances for residues of the plant growth regulator 2-(*m*-chlorophenoxy) propionic acid in or on the raw agricultural commodity pineapples (fresh fruit only) at 0.3 part per million (ppm). This tolerance was established in response to a pesticide petition (PP 6G1836) submitted by Amchem Products, Inc., Brookside Ave., Ambler, PA 19002, under provisions of the Federal Food, Drug, and Cosmetic Act.

Subsequently, the petitioner amended the petition by adding temporary tolerances for residues of the subject pesticide in or on the raw agricultural commodities pineapple fodder and pineapple forage at 0.2 ppm; the kidneys of cattle, goats, hogs, horses, and the

meat, fat, and meat byproducts (except kidneys) of cattle, goats, hogs, horses, and sheep at 0.04 ppm. The original and amended tolerances expired November 2, 1979.

Union Carbide Agricultural Products Co., Brookside Ave., Ambler, PA 19002, requested a two-year renewal of these temporary tolerances both to permit the continued testing to obtain additional data to permit the marketing of the above raw agricultural commodities when treated in accordance with the provisions of the experimental use permit 264–EUP–52 that has been renewed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material were evaluated, and it was determined that a renewal of the temporary tolerances would protect the public health. Therefore, the temporary tolerances have been renewed on condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. Union Carbide Agricultural Products Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These temporary tolerances expire February 20, 1982. Residues not in excess of 0.3 ppm remaining in or on pineapples (fresh fruit only); 0.2 ppm remaining in pineapple fodder and forage; 0.4 ppm remaining in the kidneys of cattle, goats, hogs, horses, and sheep; and 0.04 ppm remaining in the meat, fat, and meat byproducts (except kidneys) after this expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerances. These temporary tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health. Inquiries concerning this notice may be directed to Willa Garner at the above address.

(Sec. 408(j), 68 Stat. 516 (21 U.S.C. 346a(j))

Dated: April 4, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-11104 Filed 4-11-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1461-6; 8 OP-4]

Union Carbide Corp.; Filing of Food Additive Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Union Carbide Corp. has submitted a pesticide petition proposing to amend 21 CFR Part 193 by establishing a tolerance for residues of aldicarb in or on dried raisins at 0.8 part per million (ppm) under the Federal Food, Drug, and Cosmetic Act.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Mitchell, Product Manager (PM–12), (TS–767), Room E–355, Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, 202–426–2635.

COMMENTS: Comments submitted should bear a notation indicating the petition number "FAP OH5251". 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.

SUPPLEMENTARY INFORMATION: Union Carbide Corp., Bay Meadows Way, Jacksonville, FL 32216, has submitted a food additive petition (FAP OH5251) proposing that 21 CFR 193 be amended by establishing a tolerance for the combined residues of the insecticide aldicarb (2-methyl-2-(methylthio) propionaldehyde *O*-(methylcarbamoyl)-oxime) and its cholinesterase-inhibiting metab-

olites 2-methyl 2-(methylsulfinyl) propionaldehyde *O*-(methylcarbamoyl)-oxime and 2-methyl-2-(methylsulfonyl)propionaldehyde *O*-(methylcarbamoyl)-oxime in or on the processed food dried raisins at 0.8 ppm as a result of application of aldicarb to growing grapes. This action is being taken under section 409(b)(5) of the Federal Food, Drug, and Cosmetic Act.

(Sec. 409(b)(5), 72 Stat. 1786, (21 U.S.C. 348))

Dated: April 4, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-11103 Filed 4-11-80; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–615–DR]

California; Amendment to Notice of Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of a major disaster for the State of California (FEMA–615–DR), dated February 21, 1980, and related determinations.

DATED: April 2, 1980.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 634–7845.

NOTICE: The Notice of a major disaster for the State of California dated February 21, 1980, is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 21, 1980.

Santa Cruz County has been designated for Public Assistance only.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

William H. Wilcox,

Associate Director, Disaster Response and Recovery, Federal Emergency Management Agency.

[FR Doc. 80-11100 Filed 4-11-80; 8:45 am]

BILLING CODE 6718-01-M

U.S. Fire Administration

USFA Project FIRES to Field Test Improved Firefighter Protective Clothing

The U.S. Fire Administration has authorized grants in the amount not to exceed $150K total to be dispersed among ten fire departments throughout the Nation to field test and evaluate improved protective clothing.

The need for improved firefighters protective clothing has been expressed by the fire service for many years. The firefighter's primary defense against death and injury is his personal protective equipment. The present

turnout gear has been in use for years and is inadequate in many aspects.

Approximately one year after the formation of the Fire Administration, the USFA in cooperation with NASA entered into a program for the design, development, fabrication, field test and evaluation of improved firefighers personal protective clothing and equipment.

In order to avoid the problems experienced by using a piecemeal approach in the development of new equipment, a philosophy of integration was adopted from the initiation of the project. The project's name, FIRES, which is an acronym for Firefighters Integrated Response Equipment System, emphasizes the fact that a systematic integration approach would be taken to develop a total protective envelope.

From its inception, the project staff has been assisted by members of the fire service through the active participation of a User Requirements Committee (URC). The Committee membership is composed of firefighters, fire chiefs, volunteers, instructors, city managers and fire department safety personnel from across the country.

With the assistance of the URC members a set of requirements for personal protective clothing and equipment were established. The results were then translated into performance standards which included physical and human factors, test methodology and procedures. The standard includes performance criteria for a totally integrated personal protective system.

Existing turnout gear was tested and evaluated against the performance requirements to determine which existing items or features were suitable for inclusion in an improved system and areas where improvements were required.

Design and manufacturing specifications were developed for an integrated protective clothing system that would answer the needs of the fire service, using existing technology, while still staying within the limits of costs which municipal fire departments could reasonably be expected to afford.

Working with the protective clothing industry, the USFA/NASA project team has fabricated a number of ensembles meeting the established design and manufacturing specifications. Laboratory and simulated fireground tests were conducted on the suits to ensure that the performance criteria were being sustained.

To further stimulate the orderly transfer of the technology developed during the earlier phases of the project, industry briefings have been scheduled to allow for the first-hand dissemination of the performance standards and specifications to all of the potential suppliers of the improved protective clothing.

Plans have been developed for the continuation of the project which will include field tests and evaluation of improved protective clothing ensembles in selected fire departments across the country. It is intended that the USFA will award grants to as many as ten fire districts to purchase and field test protective clothing fabricated according to the standards and specifications developed under the earlier phases of the project. Grants will be awarded to those fire departments which will allow for the most representative evaluation of the field test ensembles, and the evaluation criteria will be structured to realize this goal. In addition, to continue with our original objective of involving the whole fire service community in this project, awards consideration will include the cooperative participation of fire department management and labor, and the community administration.

USFA is now interested in hearing from Fire Departments willing to participate in the field test process. All letters of interest should be addressed to the U.S. Fire Administrator, Gordon Vickery, not later than April 30, 1980.

Address: Gordon Vickery, Administrator, U.S. Fire Administration, Federal Emergency Management Agency, Washington, D.C. 20472.

Questions: Refer to Andrew Sears, National Fire Data Center, U.S. Fire Administration, 202/632–7195.

Dated: April 3, 1980.

Gordon Vickery,

Administrator.

[FR Doc. 80–11099 Filed 4–11–80; 8:45 am]

BILLING CODE 6718–04–M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10218; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 5, 1980. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No. 10159–9.

Filing party: Dominick J. Manfredi, Chairman, American West African Freight Conference, 67 Broad Street, New York, New York 10004.

Summary: Agreement No. 10159–9 modifies the basic agreement of the American West African Freight Conference Rationalization Agreement to provide that assessments shall be made periodically against each party to defray the operating and capital costs of managing pier(s) and/or other berthing facilities allocated to the Agreement.

Agreement No. 10374.

Filing party: Edward Schmeltzer, Esquire, Schmeltzer, Aptaker & Sheppard, P.C., 1800 Massachusetts Avenue, NW, Washington, D.C. 20036.

Summary: Agreement No. 10374, among Hapag-Lloyd Aktiengesellschaft, Intercontinental Transport (ICT) B.V. and Compagnie Generale Maritime, provides for the establishment of a coordinated service for the transportation of containerized cargo in the trade between U.S. ports on the Gulf and South Atlantic Coasts, and ports in Europe (including the United Kingdom, Eire, Scandinavia and the Baltic), excluding the Mediterranean. The agreement provides that: (1) The vessels used in the service will not carry cargo in containers in excess of 800 TEU's, on a weekly basis, in each direction; (2) the parties will ship loaded and empty containers on vessels it operates and on vessels operated by the other parties; (3) each party will issue its own bill of lading to shippers, but the parties will establish and maintain a uniform form of bill of lading; (4) there will be no pooling of revenues or sharing of operational expenses with respect to the service, however, the parties may share administrative expenses; (5) LASH barges, empty cargo containers and/or related equipment may be interchanged among the parties, subject to mutually acceptable terms and conditions.

Agreement No. 10374–1

Filing party: Edward Schmeltzer, Esquire, Schmeltzer, Aptaker & Sheppard, P.C., 1800

Massachusetts Avenue, N.W., Washington, D.C. 20036

Summary: Agreement No. 10374–1, among Hapag–Lloyd Aktiengesellschaft, Intercontinental Transport (ICT) B.V. and Compagnie Generale Maritime, amends the basic agreement described above. The purpose of the amendment is to clarify the ability of the parties to charter vessels for use in the trade.

Agreement No. 10386

Filing party: Jorge Luis Wachter, Executive Administrator, Conferencia Interamericana de Fletes—Seccion "B", Lavalle 381–8° Piso (1047), Buenos Aires, Argentina.

Summary: Agreement No. 10386, by and among Emprasa Lineas Maritimas Argentinas S.A.; A. Bottacchi S.A. de Navegacion C.F.I.I.; Moore McCormack Lines, Inc.; Sea-Land Service, Inc.; Companhia de Navegacao Lloyd Brasileiro; A/S Ivarans Rederi (Ivarans); Van Nievelt, Goudriaan & Co., b.v.; Montemar S.A. Comercial y Maritima and Reefer Express Lines Pty., Ltd., is a cargo revenue pooling and sailing agreement in the northbound trade from Argentine ports within the La Plata/Rosario range to the U.S. East Coast ports from Key West, Florida to Portland, Maine. The agreement sets forth the participants' pool share and required minimum sailings in the applicable trade. The agreement will be effective upon approval by the respective government maritime authorities and shall remain in effect through December 31, 1983. Agreement No. 10386 is intended to supersede Agreement No. 10349. Ivarans, though designated as a participating carrier in the agreement, did not sign the agreement.

Agreement No. 10386–1

Filing party: Jorge Luis Wachter, Executive Administrator, Conferencia Interamericana de Fletes—Seccion "B", Lavalle 381–8° Piso (1047), Buenos Aires, Argentina.

Summary: Agreement No. 10386–1, among A. Bottacchi S.A. de Navegacion C.F.I.I.; Companhia de Navegacao Lloyd Brasileiro; Empresa Lineas Maritimas Argentinas S.A.; Montemar S.A. Comercial y Maritima; Moore McCormack Lines, Inc.; Reefer Express Lines Pty., Ltd. and Sea-Land Service, Inc., provides for the reservation of a nine percent pool share quota for A/S Ivarans Rederi (Ivarans), should Ivarans agree to become a party to Agreement No. 10386. Said pool share quota is temporarily allocated to the national- and nonnational-flag signatory lines on a pro rata basis.

Dated: April 9, 1980.

By order of the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 80–11216 Filed 4–11–80; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Adrian Building Corp.; Formation of Bank Holding Company

Adrian Building Corporation, Adrian, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 82 percent or more of the voting shares of Adrian State Bank, Adrian, Minnesota. 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 May 3, 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, April 3, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80–11207 Filed 4–11–80; 8:45 am]

BILLING CODE 6210–01–M

Chase Financial Services, Inc.; Formation of Bank Holding Company

Chase Financial Services, Inc., Chase, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of The Rice County State Bank, Chase Kansas. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 7, 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, April 7, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80–11204 Filed 4–11–80; 8:45 am]

BILLING CODE 6210–01–M

Crofton State Co.; Formation of Bank Holding Company

Crofton State Company, Crofton, Nebraska, 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 90 percent or more of the voting shares of Crofton State Bank, Crofton, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to Reserve Bank, to be received not later than May 7, 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, April 7, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80–11205 Filed 4–11–80; 8:45 am]

BILLING CODE 6210–01–M

Hope Bank Holding Co.; Formation of Bank Holding Company

Hope Bank Holding Company, Hope, North Dakota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares (less director's qualifying shares) of First State Bank of Hope, Hope, North Dakota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 7, 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, April 7, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-11206 Filed 4-11-80; 8:45 am]

BILLING CODE 6210-01-M

Isensee Corp.; Formation of Bank Holding Company

Isensee Corporation, Naples, Florida, 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 50 percent or more of the voting shares of First National Bank of Englewood, Englewood, Florida. 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 Atlanta. Any person wishing to comment on the application should submit views in writing to the reserve Bank, to be received not later than May 5, 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, April 4, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-11203 Filed 4-11-80; 8:45 am]

BILLING CODE 6210-01-M

Manufacturers Hanover Co.; Proposed Expansion of Underwriting Activities

Manufacturers Hanover Corporation, New York, New York, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(c)), for permission to expand its underwriting activities engaged in by its indirect subsidiary, Ritter Life Insurance Company.

Applicant states that its subsidiary would engage in the reinsurance of credit life insurance sold by subsidiaries of its subsidiary, Ritter Financial Corporation, in connection with extensions of credit by them. The reinsurance activities would relate to insurance sold through the offices listed below, which serve the counties in which they are located and portions of certain contiguous counties: (1) Indiana: North Vernon, Salem, Franklin, Linton, Greensburg, Corydon, Mitchell and Boonville; (2) Kentucky: Georgetown, Lawrenceburg, Louisville and Nicholasville; (3) Maryland: LaVale and Pocomoke City. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing , and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 7, 1980.

Board of Governors of the Federal Reserve System, April 7, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-11200 Filed 4-11-80; 8:45 am]

BILLING CODE 6210-01-M

Nobles Agency, Inc.; Approval To Engage in Insurance Activities

Nobles Agency, Inc., Brewster, Minnesota, doing business as Brewster Agency, Inc., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to continue to engage in the activities of operating a general insurance agency in a community of less than 5,000. These activities would be performed from offices located in Brewster, Minnesota, and the geographic areas to be served is the area within a radius of about 6–7 miles of the office in Brewster, Minnesota. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 7, 1980.

Board of Governors of the Federal Reserve System, April 7, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-11201 Filed 4-11-80; 8:45 am]

BILLING CODE 6210-01-M

Orbanco, Inc.; Acquisition of Bank

Orbanco, Inc., Portland, Oregon, 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 100 percent of the voting shares of Southern Oregon State Bank, Grants Pass, Oregon. 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 San Francisco. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than May 2, 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, April 4, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-11202 Filed 4-11-80; 8:45 am]

BILLING CODE 6210-01-M

Ray County Bancshares, Inc.; Formation of Bank Holding Company

Ray County Bancshares, Inc., Hardin, Missouri, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Hardin State Bank, Hardin, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 7, 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, April 7, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-11208 Filed 4-11-80; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Oglethorpe Power Co.; 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: Oglethorpe Power Company is granted early termination of the waiting period provided by law and the premerger notification rules with respect to its proposed acquisition of certain assets of the Southern Company. 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: April 2, 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 agencies, 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. 80-11212 Filed 4-11-80; 8:45 am]

BILLING CODE 6750-01-M

GENERAL SERVICES ADMINISTRATION

Travel Expenses; Report on the Cost of Travel and the Operation of Privately Owned Vehicles

Correction

In FR Doc. 80-10026 appearing on page 21711 in the issue of Wednesday, April 2, 1980, make the following changes to the list of High Rate Geographical Areas on page 21711, third column:

1. In the heading, "HRG's" should have read "HRGA's".

2. In the second line, "Annapolis, MI" should have read "Ann Arbor, MI".

On page 21712, first column, make the following changes in the list of HRGA allowance changes:

1. The first entry should have read "Akron, OH".

2. The 24th entry should have read "Eatontown, NJ" instead of "Eastown, NJ".

BILLING CODE: 1505-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

Mine Health Research Advisory Committee Annual Report; Availability of Filing

Notice is hereby given that pursuant to Section 13 of Public Law 92-463 (5 U.S.C. Appendix I), the fiscal year 1979 annual report for the following Federal advisory committee utilized by the Center for Disease Control has been filed with the Library of Congress:

Mine Health Research Advisory Committee

Copies are available to the public for inspection at the Library of Congress, Newspaper and Current Periodical Reading Room, Room 1026, Thomas Jefferson Building, Second Street and Independence Avenue, S.E., Washington, D.C. (telephone: 202/287-6310). Additionally, on weekdays between 9:00 a.m. and 4:30 p.m., copies will be available for inspection at the Department of Health, Education, and Welfare, Department Library, HEW North Building, Room 1436, 330 Independence Avenue, S.W., Washington, D.C. (telephone: 202/245-6791).

Dated: April 4, 1980.

William C. Watson, Jr.,

Acting Director, Center for Disease Control.

[FR Doc. 80-11144 Filed 4-11-80; 8:45 am]

BILLING CODE 4110-86-M

Immunization Practices Advisory Committee; Renewal

Pursuant to the Federal Advisory Committee Act (Public Law 92-463), 5 U.S.C. Appendix I, the Center for Disease Control announces the renewal of the Immunization Practices Advisory Committee by the Secretary of Health, Education, and Welfare, with the concurrence of the General Services Administration.

This committee provides advice and guidance to the Department of HEW regarding the most appropriate application of antigens and related agents (e.g., vaccines, antisera, immune globulins) for effective disease control in the civilian population. Additionally, the committee reviews and reports regularly on immunization practices and recommends improvements in the national immunization efforts.

Authority for the Immunization Practices Advisory Committee will expire April 1, 1982, unless the Secretary formally determines that continuance is in the public interest.

Dated: April 4, 1980.

William C. Watson, Jr.,

Acting Director, Center for Disease Control.

[FR Doc. 80-11143 Filed 4-11-80; 8:45 am]

BILLING CODE 4110-86-M

Immunization Practices Advisory Committee; Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), the Center for Disease Control announces the following Committee meeting:

Name: Immunization Practices Advisory Committee.

Dates: May 5-6, 1980.

Place: Room B-19, Building 3, Center for Disease Control, 1600 Clifton Road, N.E., Atlanta, Georgia 30333.

Time: 8:30 a.m.

Type of Meeting: Open.

Contact Person: J. Donald Millar, M.D., Executive Secretary of Committee, Building 1, Room 2047, Center for Disease Control, 1600 Clifton Road, N.E., Atlanta, Georgia 30333. Phone: Commercial 404/329-3701, FTS 236-3701.

Purpose: The Committee is charged with advising on the appropriate uses of immunizing agents.

Agenda: The Committee will discuss some emerging issues in measles, adult immunization, and adverse reaction surveillance; it will review a proposed revised recommendation on smallpox vaccine in view of worldwide eradication of the disease; on influenza it will hear reports on vaccine formulation recommendations of an interagency work group and on vaccine efficacy, virus surveillance, morbidity and mortality (including Reye Syndrome); it will formulate its recommendation on vaccine usage for the 1980-81 influenza season. On May 6, the Committee will consider a proposed revision of its recommendation on immune globulins for protection against viral hepatitis. Recent activity, including surveillance, in connection with other diseases may be reviewed as appropriate or relevant.

Agenda items are subject to change as priorities dictate.

The meeting is open to the public for observation and participation. A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: April 8, 1980.

William C. Watson, Jr.,

Acting Director, Center for Disease Control.

[FR Doc. 80-11145 Filed 4-11-80; 8:45 am]

BILLING CODE 4110-86-M

Health Care Financing Administration

Pharmaceutical Reimbursement Board; Final Maximum Allowable Cost Determination; Correction

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

ACTION: Correction of Final Notice.

SUMMARY: This document corrects an omission to the final notice published in the Federal Register on February 14, 1980 (45 FR 10032) on final maximum allowable cost determinations, hydralazine HCl, 25 and 50 mg tablets. That notice inadvertently omitted a Food and Drug Administration report on hydralazine, which we intended to include as an Appendix.

EFFECTIVE DATE: The cost limits became effective on March 31, 1980.

FOR FURTHER INFORMATION, CONTACT: Joel J. Schaer, 301-594-9635.

Dated: April 7, 1980.

Leonard Schafer,

Administrator Health Care Financing Administration.

Appendix

Date: August 6, 1979.

To: Chairman, Pharmaceutical Reimbursement Board, Health Care Financing Administration.

From: Director, Bureau of Drugs, Food, and Drug Administration.

Subject: Report to the Board on Investigation of Alleged Therapeutic Failures of Hydralazine.

As the Board requested at the May 30 hearing concerning CIBA-GEIGY's supplemental statement alleging therapeutic failures of generic hydralazine tablets at Carswell Air Force Base, we have conducted a thorough investigation of the charges. Our complete files on this investigation are attached to this memorandum. Investigators from our Dallas Field Office visited Carswell Air Force Base and interviewed the reporting physician; invetigators from our Baltimore Field Office interviewed members of the Pharmaceutics and Therapeutics Committee at Andrews Air Force Base hospital; and samples of the suspect lots were analyzed in FDA laboratories.

It is clear that the allegations made by CIBA-GEIGY in their supplemental statement of May 29 and the affidavit of Henry C. Kirsch, also of May 29, are not substantiated by this investigation. At the hearing the representatives of Ciba-Geigy promised a full report of their information to the FDA, but declined to release their "report" to the Board because they wished to protect the confidentiality of the reporting physician. Subsequently, the identify of the physician has become public knowledge and Ciba-Geigy's only report, which consists of a brief letter dated May 29 to Dr. Jones of the Bureau of Drugs, is attached.

I have personally reviewed the case reports from the Carswell Air Force Base hospital. The data show only one occasion in one patient when the blood pressure increased significantly in association with the use of generic hydralazine—the May 14, 1979 office visit of patient 1-e (erroneously typed as 1-3 in the investigator's report of June 12, 1979). The blood pressure changes in all other patients are either typical of the variation that occurs from day to day in hypertensive patients or are not correlated in time with the use of any particular brand of hydralazine. In patient 1-e the isolated blood pressure increase found on May 14, 1979 was under control again on May 18, 1979. While the cause of this transient increase is unknown, such changes are not infrequent in hypertensive patients. One such episode in one patient cannot reasonably be taken as evidence of "therapeutic failure," especially when the product is apparently working in many other patients in the same clinic.

Our conclusion is that Ciba-Geigy's allegation of therapeutic failure in this instance is wholly unsubstantiated. In fact, the record suggests that a Ciba-Geigy sales representative sowed the seeds of discontent over generic hydralazine at Carswell Air Force Base by suggesting to the medical staff that the generic product may not be bioavailable. Ciba-Geigy then simply reported to alleged occurrence of therapeutic failures without any serious evaluation of the evidence. The net effort was to thrust the burden of investigating the situation onto the taxpayers and to take advantage of the administrative process for establishing a MAC.

My understanding is that the Board may wish to discuss how best to handle eleventh-hour submissions, with the intent of separating those that may have merit from those that are frivolous and derive from a failure of corporate responsibility. We will be pleased to cooperate with the Board in developing an approach to this problem.

Because the charges of therapeutic inequivalence of hydralazine were found unsupportable, we see no reason for any further delay in the MAC setting process on this drug.

J. Richard, Crout, M.D.

Date: July 17, 1979.

To: Director, Bureau of Drugs, HFD-1.

From: Director, Division of Drug Product Quality, HFD-330.

Subject: Investigations of Allegations Made by Henry C. Kirsch, of Ciba-Geigy, May 29, 1979 to the MAC Board.

This is a summary report of the investigations made by the Food and Drug Administration into the allegations in the affidavit filed by Henry C. Kirsch, Ciba-Geigy Corporation, on May 29, 1979 filed with Ciba-Geigy's supplemental statement to the MAC Board. The Affidavit alleged: (1) that therapeutic failures occurred at Carswell Air Force Base (CAFB) which reflected on the quality of Lemmon's hydralazine tablets, and (2) that therapeutic failures occurred at Carswell Air Force Base (CAFB) which for similar reasons, Andrews Air Force Base had discontinued the use of Lemmon's hydralazine.

The FDA investigation at Carswell Air Force Base disclosed that the base pharmacy began dispensing Lemmon's 25 mg

hydralazine tablets in mid-February 1979, and halted in the 3rd week of May 1979. Approximately 69,000 tablets were dispensed to an estimated 500 to 600 out patients.

Dr. X is the only physician (of 7–10 treating hypertensive patients in the clinic) who reported observing lack of effectiveness to DPSC and to the Ciba-Geigy representative, Mr. George French. He produced 5 case histories for the investigator (not 6 as charged in the affidavit). When the FDA investigator discussed the details of the five case histories with Dr. X, he (Dr. X) stated that these were poor examples of product failure. In fact a close examination of the medications prescribed suggests that generic Hydralazine was sparingly prescribed by Dr. X. In most instances Apresoline 50 mg was prescribed, and in such circumstances the base pharmacy dispensed only the Apresoline 50 mg tablets. (They did not dispense 2×25 mg generic Hydralazine Tablets). The Base pharmacy had continued to stock and dispense Apresoline 50 mg concurrently with Lemmon's Hydralazine 25 mg tablets. Dr. X also reported that he had observed more significant deficiencies in other products which he had not reported as deficiencies.

A review of the five medical records by the Division of Drug Experience indicated that all patients were on multi-drug regimens, using a combination of Inderal, Lasix, Hygroton, Aldactone, Minipress, Hydrochlorothiazide, and Slow-K along with Apresoline or generic Hydralazine. There is no clear way in which a report of ineffectiveness can be substantiated. Chart summaries and graphs constructed from the medical records (attachment 1) suggest the following:

A. In light of the intrinsic variable nature of hypertension, there are actually too few readings at too infrequent intervals on most of these patients to make any clear judgment as to effectiveness or lack thereof of any of these drugs with the possible exception of the short period on patient 1(a).

B. In all of the cases, there were changes in several of the medications, dose and frequency, which would make it very difficult to make any attribution ot one particular product.

C. The records themselves are very brief and many entries appear to be made by the assistant (nurse/practitioner or corpsman) and countersigned by Dr. X suggesting no continuity of surveillance allowing this type of judgment.

D. In two or more of the cases there was the tendency to switch one or more medications at many visits, such that again no definite impression of therapeutic effectiveness or lack thereof could be clearly made.

E. There is no indication on the chart as to the presence or absence of patient compliance. This factor alone would tend to neutralize any pharmacological evaluation.

Our investigation further uncovered that when Mr. French, the Ciba-Geigy representative, learned that generic Hydralazine tablets were stocked at CAFB, he suggested to Dr. X that the Base could still acquire Apresoline through the VA depot, and he proved a telephone contact. The CAFB did not procure Apresoline 25 mg from the VA because DPSC advised against doing so.

Also during his visits of CAFB Mr. French suggested to Dr. X that Lemmon's Hydralazine tablets may lack the bioavailability of Ciba-Geigy's Apresoline. He gave him promotional material (attachment 2) on the bioavailability of Apresoline (hydralazine) and Apresoline-Esidrix (hydralazine HCl and hydrochlorothiazide).

During one of his visits the Ciba-Geigy representative had also discussed cost factors at CAFB and indicated to Major Bolerjact, Officer-in-Charge, Pharmacy, that in future Apresoline will probably come into the DOD system at $5.00 below the generic product. (Lemmon's contract expires in July 1979).

In mid-May the dispensing of the generic Hydralazine product was discontinued because of Dr. X's recommendation and CAFB purchased Apresoline 25 mg on a direct (purchase) basis. Subsequently and report of ineffectiveness with Lemmon's Hydralazine 25 mg tablets was filed (DPSC complaint was dated May 25, 1979).

Ciba-Geigy also claimed in their supplemental statement that the Pharmaceutics and Therapeutics Committee at Andrews AFB (AAFB) had express concern over the quality of the depot-supplied Lemmon product and had decided to discontinue its use in favor of Apresoline purchased from local wholesalers, FDA interviews with professional personnel indicated that there were no incidents of problems with Lemmon's Hydralazine Tablets. Also the base complaint-file had no reports of problems with hydralazine.

Our investigations revealed that Ciba-Geigy representative had approached Major Selle, Capt. Gerald Merritt with regard to bioavailability data. Capt. Merritt also referred him to Major William H. Stigelman their Chairman of the Department of Pharmacy and member of the base Pharmacy and Therapeutic Committee. We also learned that drug representatives are allowed to assemble displays of drug products in the hospital. Maj. Selle indicated these representatives pushed the brand name products over the generic product to the hospital doctors and enlisted personnel. In fact he added "He (drug firm representative) is not supposed to go to the Doctor's Offices. but they do". Capt. Merritt remembers that Ciba-Geigy representatives asked permission (about 3 weeks before June 15), to use the minutes of the Pharmacy and Therapeutics Committee meeting (attachment 3) in a company publication. The permission was denied.

According to the minutes, the Pharmacy and Therapeutics Committee chose to purchase Apresoline, and three other brand name drug products in place of the generic equivalents for the following reasons:

a. No bioavailability data available (to the staff) for the generic product.

b. Confusion to the patient and staff due to differences in size, color, etc., for the generic product.

c. No manufacturer's guarantee of legal support, should efficacy or adverse reaction problems arise for the generic product.

d. No company representatives with the generic product.

e. No manufacturers services such as resolving difficult questions giving toxicity data and the like.

The Pharmacy and Therapeutics Committee also considered cost factor. They concluded that there is no cost advantage to the generic product as compared to the brand name product. According to the P & T Committee minutes and Maj. Selle, the AFB is able to purchase Apresoline from the VA supply depot for less than they can purchase the generic product from the Air Force Depot.

As part of this investigation, our Philadelphia office inspected Lemmon Pharmacal Company. They found nothing that would have an effect on setting a MAC. In addition analysis of samples collected from the reported "ineffective" lots showed them to meet the compendial standards (attachment 4).

Based on the results of our investigations, we conclude that there is no support for any of the allegations made in Ciba-Geigy's supplemental submissions.

J. Joseph Belson.

[FR Doc. 80-11221 Filed 4-11-80; 8:45 am]
BILLING CODE 4110-35-M

National Professional Standards Review Council; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), announcement is made of the following Council meeting:

Name: National Professional Standards Review Council.

Date and time: May 12, 1980 (10:00 a.m. to 5:00 p.m.); May 13, 1980 (9:00 a.m. to 1:00 p.m.).

Place: Auditorium (first floor), HEW North Building 330 Independence Avenue, SW., Washington, D.C.

Purpose of meeting: The Council was established to advise the Secretary of Health, Education, and Welfare on the administration of Professional Standards Review (Title XI, Part B, Social Security Act). Professional Standards Review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality health care. The Council's agenda will include discussion of a variety of issues relevant to the implementation of the PSRO program. On April 28, 1980 a tentative agenda will be available to the public.

Meeting of the Council is open to the public. Public attendance is limited to space available.

Any member of the public may file a written statement with the Council before, during, or after the meeting. To the extent that time permits, the Council Chairman will allow public presentation of oral statements at the meeting.

All communications regarding this Council should be addressed to Cleo E. Hancock, Jr., Staff Director, National Professional Standards Review Council, Health Standards and Quality Bureau, Room 5329–S, Switzer

Building, 330 "C" Street, SW., Washington, D.C. 20201 (202) 245–0348.

Dated: April 8, 1980.

Cleo E. Hancock, Jr.,

Staff Director, National Professional Standards Review Council.

[FR Doc. 80-11220 Filed 4-11-80; 8:45 am]

BILLING CODE 4110-35-M

Office of Human Development Services

[Program Announcement No. 13628-804]

Demonstration Projects for Child Abuse and Neglect Program; Announcement of Availability of Grant Funds

AGENCY: Office of Human Development Services, Department of Health, Education, and Welfare.

SUBJECT: Announcement of Availability of Grant Funds for Demonstration Projects for the Child Abuse and Neglect Program.

SUMMARY: The Administration for Children, Youth and Families (ACYF) announces that applications are being accepted for demonstration grants for Fiscal Year 1980 under The Child Abuse Prevention and Treatment Act of 1974, as amended. Regulations governing this program are published in the *Code of Federal Regulations* in 45 CFR Part 1340.

DATES: Closing date for receipt of applications is July 3, 1980.

Scope of This Announcement

This Program announcement is one of four for the Child Abuse and Neglect Research, Demonstration and Service-Improvement Grants Program in Fiscal Year 1980. It relates specifically to demonstration grants authorized by Section 5(b)(1) of the Child Abuse Prevention and Treatment Act, as amended, which provides for research, demonstration and service projects related to the prevention and treatment of *child sexual abuse.* A description of this program was published for comment in the **Federal Register** on January 17, 1980, and this Program Announcement reflects changes resulting from the comments received.

Program Purpose

The purpose of this demonstration program is to test approaches to the prevention of child sexual abuse through programs of education for school-age children.

Program Objectives

Applications are solicited for projects which reflect the following objectives:

1. To design and implement educational programs for school-age children which are aimed at helping to prevent or reduce the occurrence of child sexual abuse by increasing awareness of the problem and its consequences;

2. Within the context of specific program models, to develop and test methods of imparting information to children concerning the causes, symptoms, warning signals and behavior associated with sexual abuse and assault, as well as techniques for dealing with and avoiding sexually abusive situations and information on where to go for help;

3. To develop education/prevention program models which can be adapted to reach children of all ages and which can be tested on diverse populations such as inner city, rural, minority, and handicapped;

4. To demonstrate ways of gaining the acceptance and cooperation of school systems and/or other organizations with access to large numbers of children in implementing and institutionalizing educational prevention programs of this type;

5. To develop and test materials, curricula and/or teaching aids which can be used by other programs to replicate these demonstration efforts;

6. To define and test various elements of successful program implementation, such as numbers and ages of children being worked with at one time, length of time needed to impart necessary information, educational and/or intellectual skills level being addressed, and quality of the educational/training experience; and

7. To work closely with local child protection agencies and any available sexual abuse treatment programs to insure that local investigation and treatment resources are sufficient to meet the needs created by any case finding which may occur during the course of the education/prevention programs.

Applications are also solicited from programs which have already gained some experience in implementing child sexual abuse educational prevention programs and which reflect the objectives listed above, plus the following additional objectives:

8. To provide orientation and supporting information to the other education/prevention projects in order to share the benefits of experience and expertise which have already been acquired; and

9. To design and implement, in collaboration with the other projects, a research effort which will analyze comparative data on both the process and outcome effectiveness of these projects, addressing such issues as are listed in Objective 6 above.

Eligible Applicants

Eligible applicants for these demonstration projects are public and private nonprofit organizations which can certify access to populations of school-age children in sufficient numbers to broadly test the efficacy of the program model proposed. Priority will be given to awarding grants to agencies from a variety of different auspices in order to: (1) Encourage a diversity of program models, and (2) compare accessibility and acceptance of such programs by school systems and other children's institutions for purposes of future replicability. Agencies which traditionally may not be associated with providing child protective services (such as schools, mental health agencies, rape crisis centers and voluntary organizations serving children and youth) but which have the expertise to develop a demonstration program model are encouraged to apply.

Available Funds

The Administration for Children, Youth and Families expects to award $300,000 in Fiscal Year 1980 (of the $22,928,000 appropriated by Congress) for new grants in this demonstration program. It is expected that approximately three to four education/prevention project grants will be awarded for amounts of $30,000 to $50,000 each for the initial year. These projects will be supported for two years. One collaborative prevention project which will combine both demonstration and collaborative research will be awarded for an amount not to exceed $100,000 for the initial year. This project will be supported for up to three years. The initial grant sustains the Federal share of the budget for the first 12 months of the project. Support for the additional 12-month budget period(s) depends upon funds available and the grantee's satisfactory performance of the project for which the grant was awarded.

Grantee Share of the Project

Grantees are not required to provide a share of the budget for this grants program for the education/prevention projects. A five per cent share of the budget is required of the collaborative research grantee because of the significant research component of this project.

The Application Process

Availability of Forms

Application for a grant under the Demonstration Projects for Child Abuse and Neglect Program must be submitted on standard forms provided for this

purpose. Application kits which include the forms and Program Guidance materials which should be used in preparing the program narrative sections of the application may be obtained by writing to: National Center on Child Abuse and Neglect, Attention: Grants Administrative Assistant, Children's Bureau/ACYF, P.O. Box 1182, Washington, D.C. 20013, Telephone: (202) 755–0587.

Application Submission

One signed original and two copies of the great application, including all attachments, must be submitted to the address provided below under "Closing Dates for Receipt of Applications."

A–95 Notification Process

The Demonstration Projects for Child Abuse and Neglect Program is covered under the provisions of OMB Circular A–95. Applicants for grants must, prior to submission of an application, notify the State A–95 Clearinghouse of their intent to apply for Federal assistance for this program. Applicants should contact the appropriate State Clearinghouse (listed in 42 FR 2210, January 10, 1977) for information on how they can meet the A–95 requirements.

Application Consideration

The Commissioner for Children, Youth and Families determines the final action to be taken with respect to each grant application for this program. Applications which are complete and conform to the requirements of this program announcement are subjected to a competitive review and evaluation by qualified persons independent of the Administration for Children, Youth and Families.

The results of the review assist the Commissioner in considering competing applications. The Commissioner's consideration also takes into account comments of HEW Regional and Headquarters program office staff. Comments also may be requested from appropriate specialists and consultants inside and outside the Federal government. To the extent possible, the Commissioner's final decisions reflect the mandate of the Child Abuse Prevention and Treatment Act of 1974, as amended, "to achieve equitable distribution of assistance * * * among the States, among geographical areas of the Nation, and among rural and urban areas" (Section 4(d)).

Criteria for Review and Evaluation of Applications

Competing grant applications for Demonstration Prevention through Education projects will be reviewed and evaluated against the following criteria:

1. The applicant organization is capable of carrying out the proposed project in terms of availability of adequate resources and facilities, and previous knowledge and/or experience in this or a related program area. Organizations applying for the Collaborative Research Project must document prior experience in developing and implementing a prevention/education project similar to the ones being solicited under this Program Annoucement. (10 points)

2. The applicant's proposed staff have or will have the knowledge, expertise and current experience in the areas of child sexual abuse, curriculum development and direct work with children and are well qualified to carry out the proposed work plan. (Proposed staff for the Collaborative Research Project should include personnel with experitse in program evaluation.) (25 points)

3. The applicant's presentation of the project's objectives, philosophical orientation, and results or benefits expected demonstrate a clear understanding of the purpose and objectives of this demonstration program. (20 points)

4. The applicant's program narrative describes a work plan which is clear, comprehensive and feasible and has the potential for attaining the project's objectives. This criterion relates to the application's work plan, scheduling of activities, content of educational currciulum and plans for utilization and dissemination of information. (For the Collaborative Research Project, this criterion also includes an evaluation plan and research design.) (35 points)

5. The applicant's proposed budget contains estimated costs to the Government which are reasonable considering the anticipated benefits and scope of the project. (10 points)

The following criteria *must* be met in order for an application to be approved for funding:

1. The applicant organization has included formal letters of agreement from those schools, institutions or organizations which have the authority to certify access to the populations of children which the project proposes to serve during the first year of the project.

2. The applicant has included in its budget provisions for one two-day meeting in Washington, D.C., and one three-day meeting in Milwaukee, Wisconsin.

3. The applicant has certified that it will collaborate/cooperate fully with the National Center on Child Abuse and Neglect/Children's Bureau for purposes of program evaluation and information sharing, and applicants for the prevention/education projects have certified that they will collaborate/cooperate fully with the Collaborative Research Project designated by the National Center.

4. The applicant has agreed to provide quarterly reports on a schedule to be established after grant award.

Closing Date for Receipt of Applications

The closing date for receipt of applications under this Program Announcement is July 3, 1980.

Applications may be mailed or hand-delivered. Hand-delivered applications will be accepted during regular working hours of 9:00 a.m. to 5:00 p.m. Hand-delivered applications must be taken to Room 341F–1, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, D.C.

Mailed applications will be considered to be received on time if: (1) The application is *received on or before the closing date* by the DHEW mail room in Washington, D.C. or (2) the application is *mailed* by registered or certified mail *not later than five days before the closing date,* as evidenced by the U.S. Postal Service postmark on the wrapper or envelope or on the original receipt from the U.S. Postal Service, unless the mailed application arrives too late to be considered by the independent review panel. Mailed applications must be addressed to Department of Health, Education, and Welfare, Office of Human Development Services/ Humphrey Building, Grants Management Branch, Room 345F–1, 200 Independence Avenue, SW., Washington, D.C. 20201 13628—804.

Applications may be submitted at any time prior to the closing date, and applications received after the closing date will be returned to the senders without being reviewed.

(Catalog of Federal Domestic Assistance Program Number: 13.628, Child Development—Child Abuse and Neglect Prevention and Treatment)

Dated: March 27, 1980.

John Calhoun,

Commissioner for Children, Youth and Families.

Approved: April 9, 1980.

Cesar A. Perales,

Assistant Secretary for Human Development Services.

[FR Doc. 80–11218 Filed 4–11–80; 8:45 am]

BILLING CODE 4110–92–M

[Program Announcement No. 13628-803]

Research Projects for Child Abuse and Neglect Program; Announcement of Availability of Grant Funds

AGENCY: Office of Human Development Services, Department of Health, Education, and Welfare.

SUBJECT: Announcement of availability of grant funds for research projects for the child abuse and neglect program.

SUMMARY: The Administration for Children, Youth and Families (ACYF) announces that applications are being accepted for research grants for Fiscal Year 1980 under The Child Abuse Prevention and Treatment Act of 1974, as amended. Regulations governing this program are published in the *Code of Federal Regulations* in 45 CFR Part 1340.

DATES: Closing date for receipt of applications is: June 18, 1980.

Scope of this Announcement

This Program announcement is one of four for the Child Abuse and Neglect Research, Demonstration and Service-Improvement Grants Program in Fiscal Year 1980. It relates specifically to research authorized under Section 5(b)(1) of the Child Abuse Prevention and Treatment Act, as amended, which provides for research, demonstration and service projects related to the prevention and treatment of *child sexual abuse*. A description of this program was published for public comment in the **Federal Register** on January 17, 1980, and this Program Announcement reflects changes resulting from the comments received.

Program Purpose

The purpose of this research program is to support social scientists working in the field of the prevention and treatment of child sexual abuse in undertaking studies which address: (1) The impacts of alternative interventions in cases of intrafamily child sexual abuse, (2) the use of children in pornography and (3) intrafamily child sexual abuse.

Program Objectives

Applications are solicited for projects which reflect the following objectives:

For Research on the Impacts of Alternative Interventions in Cases of Intrafamily Child Sexual Abuse

1. To generate additional knowledge about the nature and effects of various approaches to intervention in cases of intrafamily child sexual abuse;

2. To examine and compare (in terms of goals, philosophies, auspice, professional discipline, theoretical orientation and procedures) the similarities, differences, advantages, disadvantages and outcomes or results of alterntive intervention programs or practices applied in cases of intrafamily child sexual abuse;

3. To examine and compare the relative impacts of various types of intervention on all members of families (especially victims) involved in cases of intrafamily child sexual abuse; and

4. To use the information generated by this research to identify for the field of research and practice issues and seek answers to key policy and programs questions regarding the most appropriate and effective interventions and procedures for cases of intrafamily child sexual abuse.

For Research on the Use of Children in Pornography

1. To enable social scientists to propose self-defined research to generate new knowledge and understanding about the problem of child pornography, contribute to the development of remedial programs and provide insights into new approaches to preventing and reducing the problem and its consequences;

2. To conduct exploratory research on (a) the nature, scope and severity of the use of children in pornography and (b) its causes and correlates;

3. To develop and test research methodologies for acquiring data on this difficult-to-asses problem which will advance the field in terms of exploring alternative approaches to gaining access to better information about child pornography; and

4. To identify key issues and research questions for the field of research and practice which require further in-depth examination.

For Field-Initiated Research on Intrafamily Child Sexual Abuse

To enable social scientists to generate new knowledge that will advance understanding of the nature of intrafamily child sexual abuse and the most effective ways to prevent and/or treat the problem.

Eligible Applicants

Eligible applicants for these research projects are public and private nonprofit organizations with the capability of carrying out the proposed research projects.

Available Funds

The Administration for Children, Youth and Families expects to award $350,000 in Fiscal Year 1980 (of the $22,928,000 appropriated by Congress) for new grants in this research program.

It is expected that one grant will be awarded for *Research on the Impacts of Alternative Interventions in Cases of Intrafamily Child Sexual Abuse* in the amount of $100,000 to $200,000 for the initial year. This project will be supported for a period of up to three years. The initial grant sustains the Federal share of the budget for the first 12 months of the project. Support for the additional 12-month budget periods in the amount of $150,000 to $200,000 in the second 12 months $100,000 to $200,000 in the third 12 months, depends upon funds available and the grantee's satisfactory performance of the project for which the grant was awarded.

It is expected that one grant will be awarded for *Research on the Use of Children in Pornography* in the amount of approximately $50,000 for the initial year. This project will be supported for a period of up to two years. The initial grant sustains the Federal share of the budget for the first 12 months of the project. Support for the additional 12-month period in the amount of approximately $50,000 depends upon funds available and the grantee's satisfactory performance of the project for which the grant was awarded.

It is expected that one to three grants will be awarded for *Field-Initiated Research on Intrafamily Child Sexual Abuse* in the amount of approximately $50,000 each for the initial year. These projects will be supported for periods of up to three years. The initial grant sustains the Federal share of the budget for the first 12 months of the project. Support for additional 12-month periods in the amount of approximately $50,000 each depends upon funds available and the grantee's satisfactory performance of the project for which the grant was awarded.

Grantee Share of the Project

Each grantee is required to provide a share of the budget for this grants program. The grantee's share must be at least 5% of the total cost of the proposed project. Cash or inkind contributions may be used as the grantee's share of the cost of the project.

The Application Process

Availability of Forms

Application for a grant under the Research Projects for Child Abuse and Neglect Program must be submitted on standard forms provided for this purpose. Application kits which include the forms and Program Guidance materials which should be used in preparing the program narrative sections of the application may be obtained by writing to: National Center on Child Abuse and Neglect, Attention: Grants Administrative Assistant, Children's

Bureau/ACYF, P.O. Box 1182, Washington, D.C. 20013, Telephone: (202) 755-0587.

Application Submission

One signed original and two copies of the grant application, including all attachments, must be submitted to the address provided below under "Closing Dates for Receipt of Applications."

Application Consideration

The Commissioner for Children, Youth and Families determines the final action to be taken with respect to each grant application for this program. Applications which are complete and conform to the requirements of this program announcement are subjected to a competitive review and evaluation by qualified persons independent of the Administration for Children, Youth and Families.

The results of the review assist the Commissioner in considering competing applications. The Commissioner's consideration also takes into account comments of HEW Regional and Headquarters program office staff. Comments also may be requested from appropriate specialists and consultants inside and outside the Federal government. To the extent possible, the Commissioner's final decisions reflect the mandate of the Child Abuse Prevention and Treatment Act of 1974, as amended, "to achieve equitable distribution of assistance * * * among the States, among geographical areas of the Nation, and among rural and urban areas" (Section 4(d)).

Criteria for Review and Evaluation of Applications

Competing grant research applications under this program will be reviewed and evaluated against the following criteria:

For Research on the Impacts of Alternative Interventions in Cases of Intrafamily Child Sexual Abuse

1. The applicant organization is capable of carrying out the proposed project including provision of adequate resources and facilities. (5 points)

2.(a) The proposed methodology is presented clearly and concisely.

(b) The applicant's program narrative includes an adequate discussion of all aspects of the proposed methodology, including literature synthesis, selection of data collection sites, sampling plan, development of hypotheses, data collection, data analysis, conclusions and recommendations, ability to build upon existing knowledge, participation of service programs in research design, impingement of methodology upon the cooperating service programs, and implementation plans.

(c) The methodology, as it will be implemented according to the proposed schedule of work, is feasible. (50 points for all criterion 2)

3. The applicant's proposed staff has sufficient knowledge and expertise in (a) conduct of similar research projects and (b) the field of child abuse (especially child sexual abuse) to enable it to carry out the proposed research project. (20 points)

4. The applicant's proposed budget contains estimated costs to the Government which are reasonable considering the anticipated benefits and scope of the project. (5 points)

5. The purpose of the proposed project is in conformity with the objectives of this research program (i.e., the applicant proposes to examine a range of intervention approaches to the problems of intrafamily child sexual abuse in terms of a range of impacts). (20 points)

For Research on the Use of Children in Pornography—1. The applicant organization is capable of carrying out the proposed project including provision of adequate resources and facilities. (5 points)

2.(a) The proposed methodology is presented clearly and concisely.

(b) The applicant's program narrative includes an adequate discussion of all aspects of the proposed methodology, including ability to build upon existing knowledge, questions to be addressed and rationale, approaches for addressing questions, data collection, data analysis, ability to add to existing knowledge, and implementation problems.

(c) The methodology, as it will be implemented according to the proposed schedule of work, is feasible. (50 points for all of criterion 2)

3. The applicant's proposed staff has sufficient knowledge and expertise in (a) conduct of similar research projects and (b) the field of child abuse (especially child sexual abuse) to enable it to carry out the proposed research project. (20 points)

4. The applicant's proposed budget contains estimated costs to the Government which are reasonable considering the anticipated benefits and scope of the project. (5 points)

5. The purpose of the proposed project is in conformity with the objectives of this research program (i.e., the applicant proposes to conduct exploratory research covering a broad range of child pornography issues, concentrating as much on methodology development as on the formulation of answers to specific questions). (20 points)

For Field-Initiated Research on Intrafamily Child Sexual Abuse—1. The applicant organization is capable of carrying out the proposed project including provision of adequate resources and facilities. (5 points)

2.(a) The proposed methodology is presented clearly and concisely.

(b) The applicant's program narrative includes an adquate discussion of all aspects of the proposed methodology, including background summary, issue formulation and rationale, data acquisition plan, data analysis, ability to build upon existing knowledge, hypothesis testing and implementation problems.

(c) The methodology will produce results which are scientifically sound.

(d) The methodology, as it will be implemented according to the proposed schedule of work, is feasible. (45 points for all of criterion 2)

3. The applicant's proposed staff has sufficient knowledge and expertise in (a) conduct of similar research projects and (b) the field of child abuse (especially child sexual abuse) to enable it to carry out the proposed research project. (20 points)

4. The applicant's proposed budget contains estimated costs to the Government which are reasonable considering the anticipated benefits and scope of the project. (5 points)

5. The purpose of the proposed project is in conformity with the objectives of this research program (i.e., the applicant proposes to make an in-depth study of a specific intrafamily child sexual abuse issue). (10 points)

6. The issue to be examined by the applicant's proposed project is of major importance in increasing knowledge and understanding of intrafamily child sexual abuse. (15 points)

For all research projects under this program announcement, the following criteria must be met in order for an application to be approved for funding:

1. A clear statement assures that the project director (or principal investigator) has written the program narrative portion of the application.

2. The application, if it depends upon the accessibility of certain data sources for its implementation, includes letters of agreement from any organizations providing such necessary access to data.

3. The applicant has certified that it will collaborate/cooperate with the National Center on Child Abuse and Neglect/Children's Bureau for purposes of project monitoring and information sharing.

4. The applicant has agreed to provide regular quarterly reports on a schedule to be established after grant award.

Closing Date for Receipt of Applications

The closing date for receipt of applications under this Program Announcement is June 18, 1980.

Applications may be mailed or hand-delivered. Hand-delivered applications will be accepted during regular working hours of 9:00 a.m. to 5:00 p.m. Hand-delivered applications must be taken to Room 341F–1, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, D.C.

Mailed applications will be considered to be received on time if: (1) The application is *received on or before the closing date* by the DHEW mail room in Washington, D.C., or (2) the application is *mailed* by registered or certified mail *not later than five days before the closing date*, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope or on the original receipt from the U.S. Postal Service, unless the mailed application arrives too late to be considered by the independent review panel. Mailed applications must be addressed to: Department of Health, Education, and Welfare, Office of Human Development Services/ Humphrey Building, Grants Management Branch—Room 345F–1, 200 Independence Avenue, SW., Washington, D.C. 20201, 13628–803.

Applications may be submitted at any time prior to the closing date, and applications received after the closing date will be returned to the senders without being reviewed.

(Catalog of Federal Domestic Assistance Program Number: 13.628, Child Development—Child Abuse and Neglect Prevention and Treatment)

Dated: March 27, 1980.

John Calhoun,

Commissioner for Children, Youth, and Families.

Approved: April 9, 1980.

Cesar A. Perales,

Assistant Secretary for Human Development Services.

[FR Doc. 80–11217 Filed 4–11–80; 8:45 am]

BILLING CODE 4110–92–M

[Program Announcement No. 13628–805]

Service-Improvement Projects for Child Abuse and Neglect Program; Announcement of Availability of Grant Funds

AGENCY: Office of human Development Services, Department of Health, Education, and Welfare.

SUBJECT: Announcement of Availability of Grant Funds for Service Improvement Projects for the Child Abuse and Neglect Program.

SUMMARY: The Administration for Children, Youth and Families (ACYF) announces that applications are being accepted for service improvement grants for Fiscal Year 1980 under The Child Abuse Prevention and Treatment Act of 1974, as amended. Regulations governing this program are published in the *Code of Federal Regulations* in 45 CFR Part 1340.

DATES: Closing date for receipt of applications is: July 3, 1980.

Scope of this Announcement

This Program announcement is one of four for the Child Abuse and Neglect Research, Demonstration and Service-Improvement Grants Program in Fiscal Year 1980. It relates specifically to service grants authorized under Section 5(b)(1) of the Child Abuse Prevention and Treatment Act, as amended, which provides for research, demonstration and service projects related to the prevention and treatment of *child sexual abuse.* A description of this program was published for public comment in the **Federal Register** on January 17, 1980, and this Program Announcement reflects changes resulting from the comments received.

Program Purpose

The purpose of this service improvement program is to support communities in their efforts to substantially improve the delivery of services to victims of child sexual abuse and their families (1) through the installation of new or modified program components in existing public or private service agencies and (2) through interagency coordination among agencies having responsiblity for intervention in and treatment of intrafamily child sexual abuse.

Program Objectives

Applications are solicited for projects which reflect the following objectives:

1. To improve the delivery of services to victims of intrafamily child sexual abuse and their families through the development of specialized intervention and treatment program components.

2. To improve the delivery of services to victims of intrafamily child sexual abuse and their families by improving and supporting coordination among agencies with responsbilities and/or resources for intervening in or treating cases of intrafamily child sexual abuse.

3. To increase knowledge and understanding about ways in which different types of agencies can develop specialized service components in order to be more responsive and improve the quality of services to families which are involved in child sexual abuse.

4. To increase knowledge and understanding about ways in which agencies with responsibilities for investigation, disposition and treatment of intrafamily child sexual abuse can better define their respective roles and coordinate their services.

5. To develop increased expertise in the field regarding methods of developing better coordination between the criminal justice system and social service systems in cases of intrafamily child sexual abuse.

Eligible Applicants

Eligible applicants for these service improvement projects are public and private nonprofit or organization which provide social, law enforcement, child protective, health, mental health or other relevant services to children and their families.

Available Funds

The Administration for Children, Youth and Families expects to award $700,000 in Fiscal Year 1980 (of the $22,928,000 appropriated by Congress) for new grants in this service-improvement program). Approximately 10 grants will be awarded as a part of the service-improvement program, approximately five for *Specialized Service Projects* and approximately five for *Resource Team Projects.*

It is exepcted that five grants will be awarded for projects which will develop specialized components within a single agency or organization for dealing exclusively with cases of intrafamily child sexual abuse (referred to hereafter as *Specialized Service Projects) in amounts of approximately $50,000 each for the initial year. These projects will be supported for three years. The initial grant sustains the Federal share of the budget for the first 12 months of the project. Support for the additional 12-month periods in the amount of approximately $50,000 each depends upon funds available and the grantee's satisfactory performance of the project for which the grant was awarded.*

It is expected that five grants will be awarded for projects which will focus on coordinating the existing specialized resources of *at least three community agencies in order to improve the management of intrafamily child sexual abuse cases (referred to hereafter as Resource Team Projects)* in amounts ranging from $50,000 to $80,000 for the initial year. These projects will be

supported for three years. The initial grant sustains the Federal share of the budget for the first 12 months of the project. Support for the additional 12-month budget periods in amounts ranging from $50,000 to $80,000 each depends upon funds available and the grantee's satisfactory performance of the project for which the grant was awarded.

Grantee Share of the Project

Grantees are not required to provide a share of the budget for this grants program.

The Application Process

Availability of Forms

Application for a grant under the Sercice-Improvement Projects for Child Abuse and Neglect Program must be submitted on standard forms provided for this purpose. Application kits which include the forms of Program Guidance materials which should be used in preparing the program narrative section of the application may be obtained by writing to: National Center on Child and Abuse and Neglect. Attention: Grants Administrative Assistant, Children's Bureau/ACYF, P.O. Box 1182, Washington, D.C. 20013. Telephone: (202) 755–0587.

Application Submission

One signed original and two copies of the grant application, including all attachments, must be submitted to the address provided below under "Closing Dates for Receipt of Applications."

A–95 Notification Process

The Service-Improvement Projects for Child Abuse and Neglect Program is covered under the provisions of OMB Circular A–95. Applicants for grants must, prior to submission of an application, notify the State A–95 Clearinghouse of their intent to apply for Federal assistance for this program. Applicants should contact the appropriate State Clearinghouse (listed in 42 FR 2210, January 10, 1977) for information on how they can meet the A–95 requirements.

Application Consideration

The Commissioner for Children, Youth and Families determines the final action to be taken with respect to each grant application for this program. Applications which are complete and conform to the requirements of this program announcement are subjected to a competitive review and evaluation by qualified persons independent of the Administration for Children, Youth and Families.

The results of the review assist the Commissioner in considering competing applications. The Commissioner's consideration also takes into account comments of HEW Regional Headquarters program office staff. Comments also may be requested from appropriate specialists and consultants inside and outside the Federal government. To the extent possible, the Commissioner's final decisions reflect the mandate of the Child Abuse Prevention and Treatment Act of 1974, as amended, "to achieve equitable distribution of assistance * * * among the States, among geographical areas of the Nation, and among rural and urban areas" (Section 4(d)).

Criteria for Review and Evaluation of Applications

Competing grant applications for these service-improvement projects will be reviewed and evaluated against the following criteria:

1. The applicant organization is capable of carrying out the proposed project in terms of availability of adequate resources and facilities and previous knowledge and/or experience in this or a related program area. (10 points)

2. The applicant's proposed staff have or will have the knowledge, expertise and current experience in the area of intrafamily child sexual abuse and are well qualified to carry out the proposed work plan. (20 points)

3. The applicant's presentation of the project's objectives, philosphical orientation and results or benefits expected demonstrate a clear understanding of the purpose and objectives of this demonstration program. (20 points)

4. The applicant's program narrative describes a work plan which is clear, comprehensive and feasible and has the potential for attaining the project's objectives. This criterion relates to the application's work plan, scheduling of activities and dissemination and utilization plan.) (40 points)

5. The applicant's proposed budget contains estimated costs to the Government which are reasonable considering the anticipated benefits and scope of the project. (10 points)

The following criteria *must* be met in order for an application to be approved for funding:

1. *For the Resource Team Projects*, the applicant organization has included formal letters of agreement from cosponsors, with certification that the cosponsoring agencies have participated in the preparation of the application and will participate in the project's implementation in the ways specified.

2. *For the Specialized Service Projects*, the applicant organization has included letters of support from the mandated child protective service agency and cognizant law enforcement and judicial agencies within its community which have responsibility for managing reported cases of intrafamily child sexual abuse.

3. The applicant has included in its budget provisions for one two-day meeting in Washington, D.C., and one three-day meeting in Milwaukee, Wisconsin.

4. The applicant has certified that it will collaborate/cooperate fully with the National Center on Child Abuse and Neglect/Children's Bureau for purposes of program monitoring, evaluation and information sharing.

5. The applicant has agreed to provide quarterly reports on a schedule to be established after grant award.

Closing Date for Receipt of Applications

The closing date for receipt of applications under this Program Announcement is July 3, 1980.

Application may be mailed or hand-delivered. Hand-delivered applications will be accepted during regular working hours of 9:00 a.m. to 5:00 p.m. Hnad-delivered applications must be taken to Room 341F–1, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, D.C.

Mailed applications will be considered to be received on time if: (1) The application is *received on or before the closing date* by the DHEW mail room in Washington, D.C., or (2) the application is *mailed* by registered or certified mail *not later than five days before the closing date*, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope or on the original receipt from the U.S. Postal Service, unless the mailed application arrives too late to be considered by the independent review panel. Mailed applications must be addressed to: Department of Health, Education, and Welfare, Office of Human Development Services/ Humphrey Building, Grants Management Branch—Room 345F–1, 200 Independence Avenue, SW., Washington, D.C. 20201 13628–805.

Applications may be submitted at any time prior to the closing date, and applications received after the closing date will be returned to the senders without being reviewed.

(Catolog of Federal Domestic Assistance Program Number: 13.628, Child Development—Child Abuse and Neglect Prevention and Treatment)

Dated: March 27, 1980.

John Calhoun,

Commissioner for Children, Youth and Families.

Approved: April 9, 1980.

Cesar A. Perales,

Assistant Secretary for Human Development Services.

[FR Doc. 80-11219 Filed 4-11-80; 8:45 am]

BILLING CODE 4110-92-M

National Institutes of Health

Meetings of the National Heart, Lung, and Blood Advisory Council and its Manpower Subcommittee and Research Subcommittee

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Heart, Lung, and Blood Advisory Council, National Heart, Lung, and Blood Institute on May 22, 23, and 24, 1980, National Institutes of Health, Building 31, Conference Room 10, at 9:00 a.m.

This meeting will be open to the public on May 22 from 9:00 a.m. to approximately 4:00 p.m., to discuss program policies and issues. Attendance by the public is limited to space available. In addition, meetings of the Manpower Subcommittee and the Research Subcommittee of the above Council will be held May 21, 1980, at 5:30 p.m. in Building 31, Conference Rooms 9 and 10 respectively.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5 U.S. Code, and Section 10(d) of Pub. L. 92-463, the meeting of the Council will be closed to the public on May 22 from 4:00 p.m. until recess, and on May 23 from 9:00 a.m. to adjournment on May 24 for the review, discussion, and evaluation of individual grant applications. The meetings of the Manpower Subcommittee and the Research Subcommittee of the above Council will be closed from 5:30 p.m. to adjournment on May 21, also for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and the personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-4236, will provide summaries of the meetings and rosters of the Council members.

Dr. Jerome G. Green, Director of Extramural Affairs, NHLBI, Westwood Building, Room 7A17, (301) 496-7416, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, 13.838, and 13.839, National Institutes of Health.)

Dated: April 8, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Insitutes of Health.

[FR Doc. 80-11095 Filed 4-11-80; 8:45 am]

BILLING CODE 4110-08-M

Meeting of National Advisory Environmental Health Sciences Council

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Environmental Health Sciences Council, National Institute of Environmental Health Sciences, May 27-28, 1980, in Building 31C, Conference Room 7, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on May 27, 1980, from 9 a.m. to approximately 12 noon for the report of the Director, NIEHS, and for discussion of the NIEHS budget, program policies and issues, recent legislation, interagency activities and a presentation on the NCI Bioassay Program, and other items of interest. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on May 27, from 1:00 p.m. to adjournment on May 28, 1980, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Leota B. Staff, Committee Management Officer, NIEHS, Building 31, Room 4B31, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-3511, will provide summaries of the meeting and rosters of council members.

Dr. Wilford L. Nusser, Associate Director for Extramural Program, National Institute of Environmental Health Sciences, P.O. Box 12233, Research Triangle Park, North Carolina 27709, (919) 755-4015, FTS 672-4015, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.892, 13.893, 13.894, National Institutes of Health)

Dated: April 8, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 80-11096 Filed 4-11-80; 8:45 am]

BILLING CODE 4110-08-M

Board of Regents of the National Library of Medicine; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Board of Regents of the National Library of Medicine on May 22-23, 1980, in the Board Room of the National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland, and the meeting of the Extramural Programs Subcommittee of the Board of Regents on the preceding day, May 21, 1980, from 2:00 p.m. to 5:00 p.m., in Conference Room "B" of the Library.

The meeting of the Board will be open to the public from 9:00 a.m. to 12:00 noon on May 22 and from 9:00 a.m. to 11:00 a.m. on May 23 for administrative reports and program discussions. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4), 522b(c)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92-463, the entire meeting of the Subcommittee on May 21 will be closed to the public, and the regular Board meeting on May 23 will be closed from 11:00 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussion could reveal confidential trade secrets or commerical property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Robert B. Mehnert, Chief, Office of Inquiries and Publications Management, National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland 20209, Telephone Number: 301-496-6308, will furnish a summary of the meeting, roster of Board members, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program No. 13-879—National Insititutes of Health)

Dated: April 8, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 80-11094 Filed 4-11-80; 8:45 am]

BILLING CODE 4110-08-M

Cancer Research Manpower Review Committee; Change in Meeting Date

Notice is hereby given of a change in meeting date for the Cancer Research Manpower Review Committee, National Cancer Institute, May 25, 1980, which was published in the **Federal Register** on March 11, 1980 (45 FR 15679).

The meeting will now be held two days, May 24–25, 1980, starting at 9:00 a.m. on May 24 at the Kings Inn, 1333 Hotel Circle South, San Diego, California. The meeting will be open to the public from 9:00 a.m.—10:00 a.m. on May 24 to review administrative details. The meeting will be closed to the public from 10:00 a.m. to adjournment on May 24 and from 9:00 a.m. to adjournment on May 25 to review research grant applications as stated in the notice. Attendance by the public will be limited to space available.

For further information, please contact Dr. Leon J. Niemiec, Westwood Building, Room 10A18, National Institutes of Health, Bethesda, Maryland 20205 (301/496–7803).

Dated: April 8, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 80-11089 Filed 4-11-80; 8:45 am]

BILLING CODE 4110-08-M

Clinical Trials Committee; Change in Meeting Date

Notice is hereby given of a change in meeting date for the Clinical Trials Committee, National Cancer Institute, May 13–14, 1980, which was published in the **Federal Register** on March 28, 1980 (45 FR 20566).

The meeting will now be held on May 8–9, 1989, starting at 9:00 a.m. at the National Institutes of Health, Building 31A, Conference Room 6A35, Bethesda, Maryland 20205. The meeting will be open to the public from 9 a.m. to 9:30 a.m. on May 8 to review administrative details. The meeting will be closed to the public from 9:30 a.m. to adjournment on May 8 and from 9:00 a.m. to adjournment on May 9 to review contract proposals as stated in the notice. Attendance by the public will be limited to space available.

For further information, please contact Dr. Gerald U. Liddell, Westwood Building, Room 826, National Institutes of Health, Bethesda, Maryland 20205 (301/496–7575).

Dated: April 8, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 80-11092 Filed 4-11-80; 8:45 am]

BILLING CODE 4110-08-M

Consensus Development Conference on Long-Term Management of Febrile Seizures

Notice is hereby given that the National Institute of Neurological and Communicative Disorders and Stroke, National Institutes of Health, will hold a consensus development conference May 19–21, 1980, at the Masur Auditorium, Bldg. 10, NIH. Topic of the conference is the long-term management of children with febrile seizures. The conference is open to any interested individuals or groups.

Febrile seizures are any seizures occurring in children aged 1 month to 7 years that are associated with fever but are without evidence of intracranial infection or defined metabolic or toxic cause. Excluded from this definition are fever-associated seizures occurring in children who previously have had seizures without fever.

Conference participants will attempt to reach consensus on the best methods for managing children with febrile seizures. Specific issues to be discussed include: What are the risks facing children who have had febrile seizures? What can chronic or intermittent prophylaxis accomplish in reducing these risks, and what are the potential risks of prophylaxis? Can we now develop a rational approach to management of children with febrile seizures, or are further studies needed?

Contact: Ms. Nancy Becker, Prospect Associates, 11325 Seven Locks Road, Suite 220, Potomac, MD 20854. Telephone: (301) 983–0535.

Dated: April 8, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 80-11090 Filed 4-11-80; 8:45 am]

BILLING CODE 4110-08-M

Diagnostic Research Advisory Group; Cancellation

Notice is hereby given of the cancellation of the meeting of the Diagnostic Research Advisory Group, National Cancer Institute, April 24–25, 1980, Building 31C, Conference Room 10, National Institutes of Health, Bethesda, Maryland 20205, which was published in the **Federal Register** on March 14, 1980 (45 FR 16565). For further information, please contact Mr. Louis P. Greenberg or Dr. R. Quentin Blackwell, Executive Secretaries of the Committee, Building 31, Room 3A10, National Institutes of Health, Bethesda, Maryland 20205 (301/496–1591).

Dated April 8, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 80-11091 Filed 4-11-80; 8:45 am]

BILLING CODE 4110-08-M

President's Cancer Panel; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the President's Cancer Panel, May 19, 1980, Building 31C, Conference Room 9, National Cancer Institute, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205.

The entire meeting will be open to the public from 5:00 p.m. to adjournment, to hear reports on activities of the President's Cancer Panel and the National Cancer Program. Attendance by the public will be limited to space available.

Dr. Richard A. Tjalma, Executive Secretary, National Cancer Institute, Building 31, Room 11A46, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5854) will furnish summaries of the meeting, rosters of Panel members, and substantive program information, upon request.

Dated: April 8, 1980.

Suzanne J. Fremeau,

Committee Management Officer, National Institute of Health.

[FR Doc. 80-11088 Filed 4-11-80; 8:45 am]

BILLING CODE 4110-08-M

Recombinant DNA Advisory Committee, Working Group on Eukaryotic Viral Vectors; Meeting

Notice is hereby given of a Working Group on Eukaryotic Viral Vectors sponsored by the Recombinant DNA Advisory Committee at Convention Hall, Conference Room 152, Miami Beach, Florida 33139 on May 13, 1980 from 11:00 a.m. to approximately 2:00 p.m. during the annual meeting of the American Society for Microbiology.

The Working Group will discuss proposed changes in the NIH Guidelines for Research Involving Recombinant DNA Molecules for use of eukaryotic viral vectors in tissue culture experiments.

Further information may be obtained from Dr. Stanley Barban, Office of

Recombinant DNA Activities, NIAID, NIH, Building 31, Room 4A52, Bethesda, Maryland—telephone 301 496–6051.

The meeting will be open to the public. Attendance by the public will be limited to space available.

Dated: April 8, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 80–11093 Filed 4–11–80; 8:45 am]

BILLING CODE 4110–08–M

DEPARTMENT OF THE INTERIOR

Bureau of Mines

Revised Table on Prepublication Release of Statistical Information on Metals and Minerals; Availability of Nonfuels Minerals Data

AGENCY: Department of the Interior, Bureau of Mines.

SUMMARY: In view of the reorganization of the Bureau of Mines and hence the change in sources of nonfuels minerals data noted herein, a revision of the previous table was indicated. This revision supersedes the table published in 43 FR 37226 on August 22, 1978. The Department of Energy has the responsibility for fuels data collection, analysis, and reporting.

FOR FURTHER INFORMATION CONTACT: Branch of Domestic Data: Robert B. McDougal (202) 634–4771.

SUPPLEMENTARY INFORMATION: In adherence to section 103 of the Budget and Accounting Procedures Act of September 12, 1950 (31 U.S.C. 18b), and Directive No. 4, 1978 Statistical Policy Handbook, Office of Federal Statistical Policy and Standards, this notice provides public announcement of the time when monthly and quarterly data collected and published by the Bureau of Mines can be orally released to the public in response to telephone inquiries prior to publication.

The table below lists mineral commodities and indicates the frequency of the release of statistics by the Bureau of Mines, a description of the information contained in the release, the commodity specialist responsible for the report and the specialist's telephone number, and the approximate number of weeks after the reporting period that information can be made available to the public in response to a telephone request.

Reports may be mailed to all persons asking to be placed on the mailing list for the report(s). Requests for individual copies should be addressed to the Branch of Production and Distribution, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213. Requests to receive reports on a recurring basis should be forwarded to the Branch of Editorial Services, Bureau of Mines, 2401 E Street, NW., Washington, D.C. 20241.

Dated: April 8, 1980.

Lindsay D. Norman,

Assistant Director, Bureau of Mines.

Time of Availability of Minerals Data and Commodity Specialists Who Can Be Called by Telephone for Such Data

Name of release	Description of information	Commodity specialist	Periodicity [1] (reference period of data)	Approximate number of weeks after reference period when data are available [2]
Aluminum Report	Primary Aluminum: Production, Imports, Exports. Secondary Aluminum: Receipts, Consumption, Stocks, Imports, Exports of Scrap; Production, Shipments, Stocks of Alloys.	H. F. Kurtz, 202–634–1080.	Monthly	6 to 9.
Antimony Report	Production, Imports, Exports, Consumption and Stocks	J. A. Rathjen, 202–634–1083.	Quarterly	8 to 9.
Bauxite and Alumina Report	Production and Imports of Bauxite, Imports and Exports of Alumina	H. F. Kurtz, 202–634–1080.	Quarterly	8 to 9.
Bismuth Report	Consumption, Imports, Exports	R. J. Bascle, 202–634–1064.	Quarterly	7 to 8.
Cadmium Report	Production, Imports, Exports, and Stocks	J. A. Rathjen, 202–634–1083.	Quarterly	8 to 9.
Cement Report	Shipments by Producing District, Shipments by State of Destination, and Imports	R. H. Singleton, 202–634–1194.	Monthly	7 to 8.
Chromium Report	Consumption and Stocks of Chromite. Production, Shipments and Stocks of Chromium Ferroalloys and Metal, Consumption by End Use and Consumer Stocks of Chromium Ferroalloys and Metal. Imports and Exports.	N. A. Matthews, 202–634–1024.	Monthly	7 to 8.
Cobalt Report	Production, Shipments Consumption of Cobalt Materials and Consumption of Cobalt by End Use, Stocks, and Imports.	S. F. Sibley, 202–634–1015.	Monthly	7 to 8.
Copper Industry Report	Consumption of Refined Copper; Consumption and Stocks of Purchased Copper-Base Scrap; Secondary Metal Recovered From Scrap Products From Copper-Base Scrap; Imports and Exports of Copper and Copper-Base Scrap. Price of Copper.	H. J. Schroeder, 202–634–1070.	Monthly	8 to 9.
Copper Production Report	Mine, Smelter and Refinery Production and Stocks	H. J. Schroeder, 202–634–1070.	Monthly	7 to 8.
Copper Sulfate Report	Production, Shipments and Stocks	H. J. Schroeder, 202–634–1070.	Quarterly	6 to 7.
Ferrosilicon Report	Production, Shipments and Producer Stocks; Consumption and Consumer Stocks; and Imports and Exports.	P. A. Kuck, 202–634–1024.	Monthly	7 to 8.
Fluorspar Report	Production, Shipments, Consumption, Stocks and Unit Value of Shipments. Imports	D. S. Kostick, 202–634–1177.	Quarterly	8 to 9.
Gold and Silver Report	(a.)—Mine Production; Imports and Exports; (b.)—Refinery Production, Consumption and Stocks.	W. C. Butterman-Gold, 202–634–1071; H. J. Drake-Silver, 202–634–1055.	(a.)—Monthly, (b.)—Quarterly	7 to 8.
Gypsum Report	Production, Total Sold by End Use. Imports, Exports, Sales by Sales Region	J. W. Pressler, 202–634–1206.	Monthly	9 to 10.
Iron and Steel Scrap Report	Receipts, Production, Stocks and Consumption of Scrap by Manufacturers of Pig Iron and Raw Steel, Manufacturers of Steel Castings, and by Iron Foundries and Miscellaneous Users of Scrap; Imports and Exports.	K. W. Palmer, 202–634–1029.	Monthly	9 to 10.
Iron Ore Report	Production, Shipments, Stocks. Imports and Exports. Consumption	F. L. Klinger, 202–634–1010.	Monthly	7 to 8.

Time of Availability of Minerals Data and Commodity Specialists Who Can Be Called by Telephone for Such Data—Continued

Name of release	Description of information	Commodity specialist	Periodicity [1] (reference period of data)	Approximate number of weeks after reference period when data are available [2]
Lead Industry Report	Primary Lead Production and Consumption. Receipts, Consumption and Stocks of Lead and Tin Based Scrap and Secondary Metal Recovered From Scrap. Imports and Exports.	J. M. Lucas, 202-634-1083.	Monthly	8 to 9.
Primary Lead Production Report	Mine Production and Production, Shipments and Stocks of Refined and Antimonial Lead.	J. M. Lucas, 202-634-1083.	Monthly	6 to 7.
Lime Report	Sold or Used by Type of Lime and Total Sold Used by State. Imports	J. W. Pressler, 202-634-1206.	Monthly	6 to 7.
Magnesium Report	Changes in Production and Shipments. Imports and Exports	B. Petkof, 202-634-1085.	Quarterly	6 to 7.
Manganese Report	Consumption and Stocks of Manganese Ore. Production and Stocks of Manganese Products. Consumption by End Use and Consumer Stocks of Manganese Products. Imports and Exports.	G. L. DeHuff, 202-634-1014.	Monthly	7 to 8.
Mercury Report	Mine Production. Consumption, Producer and Consumer Stocks. Imports and Exports	H. J. Drake, 202-634-1055.	Quarterly	8 to 9.
Molybdenum Report	Production, Consumption and Stocks of Molybdenum Concentrates. Production, Shipments and Stocks of Molybdenum Products. Consumption by End Use and Consumer Stocks of Molybdenum Products. Imports and Exports.	J. T. Kummer, 202-634-1020.	Monthly	7 to 8.
Nickel Report	Consumption by End Use and Consumer Stocks, Imports and Exports	N. A. Matthews, 202-634-1024.	Monthly	7 to 8.
Phosphate Rock Report	Stocks, Receipts, Production and Disposition. For all Types of Phosphate Rock Combined.	W. F. Slowasser, 202-634-1190.	Monthly	7 to 8.
Platinum-Group Metals Report	Refinery Production and Sales to Consuming Industries; Stocks Held by Refineries, Importers and Dealers; Imports and Exports.	J. H. Jolly, 202-634-1053.	Quarterly	8 to 9.
Selenium Report	Production, Shipments and Producer Stocks. Imports	J. R. Loebenstein, 202-634-1058.	Monthly	6 to 7.
Sodium Compounds	Production of Natural Soda Ash and Natural Sodium Sulfate	D. S. Kostick, 202-634-1177.	Monthly	5 to 6.
Sulfur Report	Frasch Sulfur and Recovered Sulfur: Production Shipments, Stocks, Apparent Consumption; Imports and Exports.	J. E. Shelton, 202-634-1190.	Monthly	7 to 8.
Tin Report	Consumption, Tin Recovered From Scrap Processed, Imports, Stocks of Consumers and Importers and Jobbers. Prices of Tin.	J. F. Carlin, Jr., 202-634-1063.	Monthly	7 to 8.
Titanium Report	Production and Consumption of Ingot and Pigments, Consumption of Scrap and Sponge Metal. Stocks of Sponge Metal Scrap, and Pigments. Imports of Ores, Pigments, and Sponge Metal, Exports of Ores, Pigments, and Metal.	L. E. Lynd, 202-634-1073.	Quarterly	8 to 9.
Tungsten Report	Stocks and Consumption of Tungsten Concentrates. Production and Producers Stocks of Tungsten Products. Consumption by End Use and Consumer Stocks of Tungsten Products. Exports and Imports.	P. T. Stafford, 202-634-1020.	Monthly	7 to 8.
Vanadium Report	Consumption, by End Use, and Consumer Stocks of Vanadium Products. Imports and Exports.	G. A. Morgan, 202-634-1017.	Monthly	7 to 8.
Zinc Production Report	Mine and Smelter Production, Stocks, and Shipments. Zinc Prices	V. A. Cammarota, 202-634-1063.	Monthly	6 to 7.
Zinc Industry Report	Production, Consumption and Stocks of Slab Zinc. Production, Shipments, and Stocks of Products From Zinc Scrap. Stocks, Receipts and Consumption of Zinc Scrap. Imports and Export.	V. A. Cammarota, 202-634-1063.	Monthly	7 to 8.
Minerals and Materials/A Monthly Survey	Consumption, Mine Production and Secondary Production, Imports, Exports, Private and Government Investories, and the Price for Aluminum Cement, Chromium, Cobalt, Copper, Gold, iron Ore, Iron and Steel, Iron and Steel Scrap, Lead, Manganese, Molybdenum, Nickel, Platinum-Group Metals, Silver, Sulfur, Tin, Zinc.	K. P. Hanks, 202-653-7740.	Monthly	5 to 9.

[1] Reference period of data is for full calendar month or calendar quarter.
[2] Number of weeks after the end of calendar month or calendar quarter when summaries are available for the data on the period covered.

[FR Doc. 80-11129 Filed 4-11-80; 8:45 am]
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INTERSTATE COMMERCE COMMISSION

Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find: Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

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.

Petitions seeking reconsideration must be filed by May 5, 1980. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on or before May 5, 1980, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices on or before May 14, 1980, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

By the Commission, Review Board Number 5, The Motor Carrier Board, Members Krock, Pohost, and Williams.

Agatha L. Mergenovich,

Secretary.

F.D.–29278F. By decision of March 19, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1151. The Motor Carrier Board approved the transfer to American Forwarding, Inc., at Garden Grove, CA, of Permits No. FF–462 and Sub–1 issued October 9, 1975, and May 9, 1978, to Merchants International, Inc. (Richard A. Bartt, Trustee in Bankruptcy), of Alexandria, VA, authorizing the transportation of *Used Household Goods, Unaccompanied Baggage, and Used Automobiles,* between points in the United States (including Hawaii but excluding Alaska), restricted to the transportation of export-import traffic, and (b) *Used Household Goods and Unaccompanied Baggage,* between points in the United States (including Hawaii but excluding Alaska) on the one hand, and, on the other, points in Alaska. Applicant's representative is: Alan F. Wohlstetter, 1700 K St., N.W., Washington, DC 20006. Transferee holds no authority and is not affiliated with any carriers.

Republication

MC–FC–78078 filed March 16, 1979. By decision of March 20, 1980, the Motor Carrier Board approved the transfer of Permit No. MC–18037 Sub–No. 8, issued October 11, 1979, from Chas. Levy Circulating Company, 1200 N. Branch St., Chicago, IL 60602 to Chas. Levy Transportation Co., Inc. (same address) The permit generally authorizes newspapers, magazines, books, periodicals, publications, and calendars, from Chicago, IL, to points in WI, KY, the lower Peninsula of MI, and a portion of Western OH, and returned shipments in the reverse direction, under contract with printing houses, publishing houses, or newsdealers. Petitions for reconsideration of the Board's decision should be filed with the Commission within 30 days of this notice. This proceeding was previously published in the August 21, 1979 issue of the **Federal Register.** Applicant's representative: Carl L. Steiner, 39 S. LaSalle St., Chicago, IL 60603.

MC–FC–78278F. By decision of February 19, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1151 The Motor Carrier Board approved the transfer to American Forwarding, Inc. of Permits FF–462 and Sub-1 issued October 9, 1975 and May 9, 1978, to Merchants International, Inc. (Richard A. Barth Trustee in Bankruptcy of Alexandria, Va., authorizing the transportation of *Used Household Goods, Unaccompanied Baggage, and Used Automobiles,* between points in the United States (including Hawaii but excluding Alaska), restricted to the transportation of export-import traffic, and (b) *Used Household Goods and Unaccompanied Baggage,* between points in the United States (including Hawaii but excluding Alaska) on the one hand, and, on the other, points in Alaska. Applicant's representative is: Alan F. Wohlstetter, 1700 K St., NW., Washington, D.C. 20006. Transferee holds no authority and is not affiliated with any carrier.

MC–FC–78324, on 1980, the Motor Carrier Board approved the transfer to Transferee: R. M. BUZZEE, INC. d.b.a. RAPID DELIVERY, 476 Southwick Rd., Westfield, MA 01085, of the operating rights of Transferor: VIRGINIA L. BELANGER d.b.a. RAPID DELIVERY, 476 Southwick Rd., Westfield, MA 01085. Representative: Joseph E. Rodgers 75 Broad St. Westfield, MA 01085, set forth in Certificate of Registration No. MC–58583 (Sub-No. 2), issued December 30, 1963, authorizing operations coextensive to those covered by Irregular Route Common Carrier Certificate No. 1204, dated November 3, 1959, and Regular Route Common Carrier Certificate No. 935, dated August 21, 1944, issued by the Massachusetts Department of Public Utilities. Transferee presently holds no authority from this Commission. Application for temporary authority has not been filed under 49 U.S.C. 11349.

MC–FC–78415, filed December 18, 1979, CHIEF FREIGHTWAYS, INC. (CHIEF), (21 Orchard Hill Drive Enfield, CT 06082), transferree, and, ROYAL SERVICE, INCORPORATED (ROYAL) (Delmont Avenue, Westfield, MA 01085), transferor. Applicants' representative: David M. Marshall, 101 State Street—Suite 304, Springfield, MA 01103. Chief is purchasing the operating rights of Royal evidenced by Certificate of Public Convenience and Necessity No. MC–20899. The certificate authorizes transportation as a motor common carrier of *household goods, road building materials, machinery, boilers, radiators and parts thereof, abrasives, wire insulators, poles and cross arms, groceries, thread, and nursery stock,* over irregular routes, between Westfield, MA, on the one hand, and, on the other, points and places in Connecticut, New York, and Rhode Island. Chief is authorized to operate as a motor common carrier pursuant to Certificate of Registration No. MC–99855 (Sub-1), which authorizes transportation of *general commodities,* over irregular routes, between points in Massachusetts.

Note.—Directly related applications seeking elimination of the gateway of Westfield, MA and seeking conversion of Certificate of Registration No. MC–99855 (Sub-1), in Dockets No. MC–99855 (Sub-No. 2F) and MC–99855 (Sub-No. 3F), respectively, have been filed and are published in this same **Federal Register** issue.

MC 99855 (Sub-2F), filed December 18, 1979. Applicant: CHIEF FREIGHTWAYS, INC., 21 Orchard Hill Drive, Enfield, CT 06082. Representative: David M. Marshall, 101 State Street, Suite 304, Springfield, MA 01103. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *household goods, road building materials, machinery, boilers, radiators and parts thereof, abrasives, wire insulators, poles and cross arms, groceries, thread, and nursery stock,* between points in Massachusetts, on the one hand, and on the other, points in Connecticut, New York, and Rhode Island. (Hearing site: Hartford, CT.)

Note.—(1) The purpose of this application is to eliminate gateway of Westfield, MA, in order to provide a through service. (2) Directly related applications seeking a transfer of and seeking conversion of a Certificate of Registration (Dockets No. MC–FC–78415 and MC–99855 (Sub-No. 3F) respectively, have been filed and are published in this issue of the **Federal Register.**

MC 99855 (Sub-3F), filed December 18, 1979. Applicant: CHIEF FREIGHTWAYS, INC., 21 Orchard Hill Drive, Enfield, CT 06082. Representative: David M. Marshall, 101 State Street, Suite 304, Springfield, MA 01103. Conversion of Certificate of Registration No. MC–99855 (Sub-1) into a Certificate of Public Convenience and Necessity authorizing transportation, as a common carrier, over irregular routes, of *general commodities,* between points in Massachusetts. (Hearing site: Hartford, CT.)

Note.—Directly related applications seeking transfer of Certificate of Registration No. MC–99855 (Sub-1) and seeking elimination of the gateway of Westfield, MA (Docket No. MC–FC–78415 and MC–99855 (Sub-No. 2F), respectively) have been filed and are published in this same **Federal Register** issue.

MC–FC–78487. By decision of March 12, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132 The Motor Carrier Board approved the transfer to Douglas Truck Lines, Inc. of New Brighton, MN of Certificate No. MC–114606 (Sub Nos. 3, 4, and 7) issued 6/27/58, 6/6/60 and 6/18/74 to S.F. Douglas Truck Line, Inc. and MC–118253 (Sub-Nos. 1, 3, 6, and 8) issued 12/29/59,

8/9/63, 12/3/72 and 1/31/73 to S.F. Douglas Truck Lines Company authorizing the transportation in MC-114606 (Sub-No. 6), and (Sub-No. 8), as set forth below: MC 114606 Sub-3, *liquid sugar and corn syrup mixtures,* in tank vehicles, and *sugar,* in bulk, from Chaska, Minn., to points in Iowa, North Dakota, South Dakota, and Wisconsin. Sub-5 and 7, *Sugar,* in bulk, *liquid sugar, corn syrup,* and *mixtures of liquid sugar and corn syrup,* from Chaska and Crookston, Minn., to points in the upper peninusla of Michigan. *Sugar,* in bulk, in tank vehicles, from Chaska, Minn., to Fremont, NE. MC 118253 Sub-1, *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 Fargo, ND, and St. Paul, MN, serving the intermediate and off-route points of Minneapolis and South St. Paul, MN: From Fargo over U.S. Highway 10 to Anoka, MN, and these over U.S. Highway 52 to St. Paul, and return over the same route. From Fargo over U.S. Highway 52 to Anoka, MN, and thence over U.S. Highway 10 to St. Paul, and return over the same route. *Sugar* from Moorhead, MN to Ortenville, MN. Sub-3, *Dry animal feed, dry poultry feed,* and *sugar,* from Drayton, ND, to points in MN, with no transportation for compensation on return except as otherwise authorized. Sub-6, General commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, between Fertile, MN, and Fargo, ND, serving intermediate and off-route points within 25 miles of Fertile, on southbound traffic only: from Fertile, over Minnesota Highway 32 to junction Minnesota Highway 200 (formerly Minnesota Highway 31), thence over Minnesota Highway 200 to Ada, MN, thence over Minnesota Higway 9 to Borup, MN, thence over county highways to junction U.S. Highway 75, thence over U.S. Highway 75 to Moorhead, MN, and thence across the Red River to Fargo, and return over the same route. Livestock, between Fertile, MN, and points within 25 miles of Fertile, on the one hand and, on the other, West Fargo and Union Stockyards, Cass County, ND. Canned vegetables, from the plant site of Green Giant Company, at Glencoe, MN, to points in Montana, North Dakota, and South Dakota, with no transportation for compensation on return except as otherwise authorized. Bottled fruit flavored beverages, from the facilities of Green Giant Company at Glencoe, MN, to points in Montana, North Dakota, South Dakota, and the Upper Peninsula of Michigan, with no transportation for compensation on return except as otherwise authorized.

MC-FC-78502. By decision of March 19, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, The Motor Carrier Board approved the transfer to Elsie M. Amerman, Olney, IL, of Permit No. MC-142884 (Sub-No. 1), issued December 8, 1977 to Sam G. Amerman (by Elsie M. Amerman, surviving spouse), Olney, IL, authorizing the transportation of *malt beverages,* from the facilities of Anheuser-Busch, Inc., at St. Louis, MO, to Lawrenceville, IL, under continuing contract(s) with Gray Wholesale, Inc., of Lawrenceville, IL. Applicants' representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 61701.

MC-FC-78503. By decision of March 19, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, The Motor Carrier Board approved the transfer to Wesley J. Hemenway d.b.a. W. J. Hemenway Trucking, Big Falls, MN, of Certicate No. MC-138792 (Sub-No. 1), issued November 8, 1974, to D. J. Viskoe Trucking, Inc., St Joseph, MN, authorizing the transportation of *fence panels, pickets, post and rail and shingles,* from Little Fork, MN, to Chicago, IL, Denver, CO, Grand Island and Lincoln, NE. Oklahoma City, OK, St. Louis, MO, Sioux Falls, SD, and Wichita, KS. Applicants' Representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, MN 55402.

MC-FC-78511. By decision of March 13, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, The Motor Carrier Board approved the transfer to Jack Brown of Dallas, TX of Certificate No. MC-140941 issued November 17, 1976 to Earnest Hallmark, Jr. d.b.a. Hallmark Wrecker Service of Dallas, TX authorizing the transportation of (1) wrecked and disabled motor vehicles, and (2) replacement vehicles for those commodities in (1) above, in wrecker service, between points in Texas on and east of a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 281 to junction U.S. U.S. Highway 81, thence along U.S. Highway 81 to the United States-Mexico Boundary line, on the one hand, and, on the other, points in Oklahoma, Kansas, Missouri, Arkansas, Louisiana, Mississippi, and New Mexico. Applicant's representative is: Thomas F. Sedbery, 810 Vaughn Bldg. Austin, TX 78701. TA application has not been filed. Transferee holds no authority.

MC-FC-78514. By decision of March 7, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, The Motor Carrier board approved the transfer to BAB Transport, Inc., of Ashland, VA of Certificate No. MC-138265 issued June 25, 1973 to W. A. Barnes Trucking Co., Inc. of Prince George, VA authorizing the transportation of *lumber,* over irregular routes, from Richmond, VA, and points in Virginia within 60 miles of Richmond, to points in Maryland, Delaware, New Jersey, and that part of Pennsylvania within 90 miles of Reading, PA, including Reading, and the District of Columbia. Applicants' representative is: Calvin F. Major 200 West Grace Street Suite 415, Richomond, VA 23220.

MC-FC-78515. By decision of March 13, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, The Motor Carrier Board approved the transfer to Beneto, Inc., of West Sacramento, CA, of Certificate No. MC-144600 (Sub-No. 1F) issued June 25, 1979 to Ramco Transportation, Inc., of West Sacramento, CA authorizing the transportation, over irregular routes, of petroleum oil and greases (except in bulk, in tank vehicles), from Richmond, CA, to points in Oregon and Washington. Applicant's representative is: Jonathan M. Lindeke, c/o Thrope & Loynd, 100 Bush St., Suite 428, San Francisco, CA 94104.

MC-FC-78516. By decision of March 13, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, The Motor Carrier Board approved the transfer to Red River Trails, Inc., of Rothsay, MN, of the following certificates or portions of certificates issued to Stewart Doyle, Inc., of Fargo, ND: (1) No. MC-125726, issued December 3, 1969, authorizing the transportation, over regular routes, of Passengers and their baggage, and express and newspapers, in the same vehicle with passengers, [a) Between Fargo, ND, and Oakes, ND, serving all intermediate points: From Fargo over U.S. Highway 81 to junction North Dakota Highway 46, thence over North Dakota Highway 46 to junction North Dakota Highway 32, west of Enderline, ND, thence over North Dakota Highway 32 to junction North Dakota Highway 11 to junction North Dakota Highway 1, thence over North Dakota Highway 1 to Oakes, and return over the same route. (b) Between Oakes, ND, and Ellendale, ND, serving all intermediate points: From Oakes over North Dakota Highway 1 to junction North Dakota Highway 11, thence over North Dakota

Highway 11 to Ellendale, and return over the same route, with incidental charter operations in interstate or foreign commerce under rules and regulations prescribed by the Commission pursuant to section 10932(c) of the Interstate Commerce Act, as amended November 10, 1966. (2) A portion of No. MC–125726 (Sub-No. 3), issued November 6, 1973, authorizing the transportation, over regular routes, of Passengers, Between Fargo, ND, and Moorhead, MN, serving all intermediate points: From Fargo over city streets to Moorhead, and return over the same route, with no rights to conduct incidental charter operations in interstate or foreign commerce. (3) No. MC–125726 (Sub-No. 4), issued December 1, 1975, authorizing the transportation, over regular routes, of Passengers and their baggage, and express and newspapers, in the same vehicle with passengers, (a) Between Thief River Falls, MN, and Fargo, ND, serving all intermediate points, except those between Marcoux and Crookston, MN: From Thief River Falls over Minnesota Highway 32 to junction U.S. Highway 2, thence over U.S. Highway 2 to Crookston, MN, thence over U.S. Highway 75 (portion formerly Minnesota Highway 81) to Moorhead, MN, and thence over U.S. Highway 10 to Fargo, and return over the same route, with (1) Service restricted against the interchange Marcoux of Crookston, MN, of Traffic between Thief River Falls, MN, and Grand Forks, ND. (2) Service at Marcoux and Crookston also restricted against the transportation of traffic moving between such points. (b) Between Marcoux, MN, and Moorhead, MN, serving all intermediate points between Marcoux and Hawley, but with service at Hawley only in connection with transportation of passengers to and from points east or north of Hawley: From Marcoux over Minnesota Highway 32 to junction U.S. Highway 10, and thence over U.S. Highway 10 through Hawley, MN, to Moorhead, and return over the same route. (C) Between Gary, MN, and junction Minnesota Highway 32 and unnumbered highway about 1 mile east of Gary, serving all intermediate points: From Gary over unnumbered highway to junction Minnesota Highway 32, and return over the same route, with rights in 3 (a), (b), and (c) to conduct incidental charter operations in interstate or foreign commerce under rules and regulations prescribed by the Commission pursuant to section 10932(c) Interstate Commerce Act, as amended November 10, 1966; subject to retention by Stewart Doyle, Inc., of that portion of Certificate No. MC–125726 (Sub-No. 3), authorizing the transportation, over irregular routes, of passengers in special operations, between Fargo, ND, and points within 5 miles of Fargo, ND. Applicant's representative are: Gene P. Johnson and Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108.

MC–FC–78517. By decision of March 13, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, The Motor Carrier Board approved the transfer to Amabile & Propst, Inc., of Archbald, PA, of Certificate No. Mc–79929 issued November 23, 1971 to Dorothy L. Norton and Bradford, d.b.a. Norton's Bus & Taxi Company (Stephen G. Bresset, Trust-in-Bankruptcy), of Damascus, PA, authorizing the transportation of Passengers and their baggage, during the season extending from the 1st of May to the 30th of September, inclusive, Between Cochecton, NY, and Honesdale, Camp With-a-Wind, and Camp Swago, PA, serving all intermediate points, as follows: From Cochecton across the Delaware River to Damascus, PA, Thence over Pennsylvania Highway 371 via Tyler Hill, PA, to West Damascus, PA, thence over unnumbered highway (formerly Pennsylvania Highway 91), via Girdland and Carley Brook, PA, to Honesdale, and return over the same route. From Cochecton to Damascus as specified above, thence over Rural Highway 63045 to Galilee, PA, thence over Rural Highway 63044 to junction Pennsylvania Highway 191 (formerly Pennsylvania Highway 90), thence over Pennsylvania Highway 191 to Camp With-a-Wind, a point 2 miles north of Lookout PA. (also from Damascus to West Damascus as specified above, thence over unnumbered highway (formerly Pennsylvania Highway 91), to junction Pennsylvania Highway 191 (formerly Pennsylvania Highway 90), thence to Camp With-a-Wind as specified above, and return over the same routes. From Cochecton to Damascus as specified above, thence over Rural Highway 63045 to junction Rural Highway 63087, thence over Rural Highway 63087 via Galilee, PA, to Camp Swago, and return over the same route. Incidental charter operations also authorized. Transferee holds no authority from the Commission. An application seeking TA lease has not been filed. Applicants' representative: Joseph F. Heary, 121 S. Main St., Taylor, PA 18517.

MC–FC–78518. By decision of March 13, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, The Motor Carrier Board approved the transfer to Terry Weber, of Eau Galle, WI 54737 a portion of Certificate No. MC–94798 issued September 18, 1972 to Lyle Drier, of Eau Galle, WI authorizing the transportation of *Livestock,* Between farms in the Towns of Waterville, Waubeck Durand, Lima, Albany, and Frankfort, Pepin County, Eau Galle, Rock Creek, Weston, Dunn County, Maxville, and Canton, Buffalo County, WI, and the villages of Eau Galle, Arkansaw, Durand, Rock Falls, and Ella, WI, on the one hand, and, on the other, South St. Paul and Newport, MI *building materials,* From South St. Paul, St. Paul, Minneapolis, Newport, and Hastings, MI. To: farms in the Towns of Waterville, Waubeck, Durrand, Lima, Albany, and Frankfort, Pepin County, Eau Galle, Rock Creek, Weston, Dunn County, Maxville, and Canton, Buffalo County, WI, and the villages of Eau Galle, Arkansaw, Durand, Rock Falls, and Ella, WI. Applicant's representative is: James T. Flescher, 1745 University Ave., St. Paul, MN 55104. Transferee holds no authority from the Commission. An application seeking temporary lease authority has not been filed.

MC–FC–78519. By decision of March 13, 1980, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, the Motor Carrier Board approved the transfer to Milk Tank Lines, Inc., Frazer, PA of Certificate MC–141776 Sub 30, issued December 17, 1979, to Foodtrain, Inc., Ringtown, PA, authorizing the transportation of *oleomargarine, vegetable oils, vegetable oil shortening,* and *vegetable salad oil,* from Columbus, OH to points in CT, DE, MA, ME, MD, NH, NJ, NY, RI, VT, and DC, and points in PA on and east of Interstate Hwy 81, restricted to the transportation of traffic originating at the named origins and destined to the named destinations. Applicants' representatives: Wilmer B. Hill, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, D.C. 20001, for transferee, and Pauline E. Myers, Suite 348, Pennsylvania Bldg., Washington, D.C. 20004, for transferor. Application has been filed for approval of temporary lease. Transferee holds no authority from the Commission.

MC–FC–78520. By decision of March 20, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, The Motor Carrier Board approved the transfer to Donald L. Branham, Glen Burnie, MD of Permit No. MC–88253 (Sub-No. 1), issued May 18, 1967, to Paul Seeley, Woodlawn, MD, authorizing the transportation of *such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, (except

commodities in bulk), between points in the territory bounded by a line beginning at Cape Charles, VA, and extending in southerly direction along the Chesapeake Bay to the Atlantic Ocean, then in a northerly direction along the Atlantic Coast to the Delaware Bay, then along the west shore of the Delaware Bay and Delaware River to Delaware City, DE, then in a northerly direction along DE Highway 9 to junction DE Highway 273, then along DE Highway 273 to the DE–MD State line, then north along the DE–MD State line to the PA–MD State line, and then west along the PA–MD State line to the Susquehanna River, then in a northwesterly direction along the east bank of the Susquehanna River to Columbia, PA, then easterly along U.S. Highway 30 to Lancaster, PA, then in a northerly direction along PA Highway 72 to junction U.S. Highway 22, then in a westerly direction along U.S. Highway 22 to junction PA Highway 34, then in a southwesterly direction along PA Highway 34 to junction PA Highway 274, then continuing southwesterly along PA Highway 274 to junction PA Highway 75, then south along PA Highway 75 to junction U.S. Highway 30, then west along U.S. Highway 30 to McConnellsburg, PA, then south along U.S. Highway 522 through Culpeper, VA to junction VA Highway 3, then southeasterly along VA Highway 3 to Fredericksburg, VA, then southeasterly along, U.S. Highway 17 to Gloucester Point, VA, and then across the Chesapeake Bay to Cape Charles, VA, including points on the above-described lines and highways, under continuing contract(s) with Acme Markets, Inc. Applicants' representative: Donal Branham, 6194 Harris Heights, Glen Burnie, MD 21060.

MC–FC–78522. By decision of March 13, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, The Motor Carrier Board approved the transfer to James A. Park, d/b/a James A. Park Trucking, of Bradford, PA, of Certificate No. MC–76416 issued March 5, 1941 to Herman Swanson (Kenneth Swanson, Executor) of Bradford, PA, authorizing the transportation of machinery, materials, supplies, and equipment incidental to the discovery, development, and production of natural gas and petroleum, between Bradford, PA, and points in PA and NY within 40 miles of Bradford, PA. Applicant's representative is: Deborah W. Babcox, 605 W. Main St., Smethport, PA 16749. Transferee holds no I.C.C. authority. An application seeking temporary lease authority has been filed.

MC–FC–78525. By decision of March 25, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, The Motor Carrier Board approved the transfer to Robert R. Law of Seeronk, MT of Certificate No. MC–30203 Sub–No. 3 issued (date) to B & T Transportation Co. of Boston, MA authorizing the transportation of General commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment) between Holbrook, MA and points in MA within 10 miles of Holbrook on the one hand, and, on the other, points in CT (except Danielson, New London, and Norwich, and those bounded by the CT River, I 86 and CT-MA State Line. Applicant's representative is: John F. O'Donnell 60 Adams Street, P.O. Box 238, Milton, MA 02187. TA application has been filed. Transferee does not hold authority.

MC–FC–78527. By decision of March 25, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, The Motor Carrier Board approved the transfer to Van Handel Transit, Inc., of Kaukauna, WI, of E-letter notices in No. MC–113535 E–1, E–2, E–3, E–4, E–5, E–6, E–7, and E–8, published in the **Federal Register** issues of May 2, 1974, May 3, 1974, October 3, 1974, August 24, 1974, and April 23, 1975, issued to A & W Trucking Co., Inc., of Mosinee, WI, authorizing the transportation of (Sub-No. E1) Meats, meat products, and meat by-products, and articles distributed by meat packinghouses from Dubuque, Iowa to Minneapolis, St. Paul, South St. Paul, Newport, Hastings, Red Wing and Winona, Minn., restricted to the transportation of traffic originating at Dubuque, Iowa. (Sub-No. E–2) Meats, meat products and meat by-products, articles distributed by meat packinghouses, and such commodities as are used by meat packers in the conduct of their business when destined to and for use by meat packers from Minneapolis, St. Paul, South St. Paul, Newport, Hastings, Red Wing and Winona, Minnesota to Dubuque, Iowa. (Sub-No. E3) Canned goods, from Minneapolis, Minn., to points in that part of Iowa (except Dubuque) on and east of U.S. Highway 69, and points in that part of Illinois on and north of U.S. Highway 36. (Sub-No. E4), Meats, meat products, and meat by-products, dairy products, and articles distributed by meat packinghouses, between points in Minnesota within 35 miles of Lanesboro, on the one hand, and, on the other, points in Wisconsin (except (1) between Winona and LaCrosse, and (2) between such points on the one hand, and, on the other, the following points in Wisconsin: Adams, Friendship, Bangor, junction Wisconsin Highway 13 and 21, junction U.S. Highway 16 and Wisconsin Highway 162, Stevens Point, and those on a line extending from Stevens Point to Plover, thence over Wisconsin Highway 54 to Wisconsin Rapids, thence over Wisconsin Highway 13 to junction Wisconsin Highway 21, thence over Wisconsin Highway 21 to Necedah, thence over Wisconsin Highway 80 to New Lisbon, thence over U.S. Highway 16 to the Wisconsin-Minnesota State Line. (Sub-No. E5) Meats, meat byproducts, meat products, and dairy products and articles distributed by meat-packinghouses, from Minneapolis, Minn., to points in Wisconsin. (Sub-No. E6) Meats, meat products and meat byproducts, dairy products, and articles distributed by meat packinghouses, as described in sections A, B, and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides, skins, and pieces thereof, and commodities in bulk), from Madison, Wis., to Minneapolis, St. Paul, South St. Paul, Newport, Hastings, Red Wing, and Winona, Minn. (Sub-No. E7) Cheese, from La Crosse and Mosinee, Wis., to Dixon, Illinois. (Sub-No. E8) Meats, meat products, and meat by-products, dairy products, and articles distributed by meat packing-houses (1) between La Crosse, Wis., on the one hand, and, on the other, Minneapolis, Minn., and (2) between Durand, Wis., on the one hand, and, on the other, Green Bay, Beloit, Prairie du Chien, Marinette, and Milwaukee, Wis. Applicant's representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. Transferee holds no authority from this Commission. An application seeking TA lease has been filed.

MC–FC–78528. By decision of March 21, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, The Motor Carrier Board approved the Transfer to Clipper Moving & Storage, Inc., of Baltimore, MD, of Certificate No. MC01813, issued February 6, 1974 to Chesapeake Van Lines, Inc., also of Baltimore, MD, authorizing the transportation of household goods, between Baltimore, MD, and points within 6 miles of Baltimore, on the one hand, and, on the other, points in DE, MD, NJ, NY, PA, VA, and DC. Applicant's representative is: John L. Shareghnessy, 1413 S. Haven St., Baltimore, MD 21224, Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005.

MC-FC-78532. By decision of March 21, 1980 issued under 49 U.S.C. 10931 or 10932 and the transfer rules at 49 CFR 1132, The Motor Carrier Board approved the transfer to Lawry Air Freight, Inc., Westfield, MA, of Certificate of Registration No. MC-120928 (Sub-No. 1), issued April 5, 1966, to Kern's Trucking, Inc., Pittsfield, MA, evidencing a right to engage in transportation in interstate commerce corresponding in scope to Irregular Route Common Carrier Certificate No. 5366, dated August 15, 1964, issued by the Massachusetts Department of Public Utilities, subject to the condition that transferee shall file a certified copy of the state certificate, or—if the State Commission does not reissue the certificate—a certified copy of the State order approving the transfer of the underlying intrastate rights. Applicants' representative: James M. Burns, Suite 413, 1383 Main St., Springfield, MA 01103.

MC-FC-78533. By decision of March 21, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, the Motor Carrier Board approved the transfer to Beverage Transport, Inc., Ennis, TX, of Certificate No. MC-118403, issued November 14, 1960, to James Holland, d.b.a. City Produce, Greenville, TX, authorizing the transportation of *bananas*, from Galveston, TX and New Orleans, LA, to Dallas, TX; and *coconuts*, in mixed shipments with bananas, from New Orleans, LA, to Dallas, TX. Applicants' representative: Barry J. Brooks, 2340 Fidelity Union Tower, Dallas, TX 76201.

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[Volume No. 8]

Petitions, applications, finance matters (including temporary authorities), alternate route deviations, intrastate applications, Gateways, and Pack & Crate.

Petitions for Modification, Interpretation or Reinstatement of Motor Carrier Operating Rights Authority

The following petitions seek modification or interpretation of existing motor carrier operating rights authority, or reinstatement of terminated motor carrier operating rights authority.

All pleadings and documents must clearly specify the suffix numbers (e.g., M1 F, M2 F) where the docket is so identified in this notice.

The following petitions, filed on or after March 1, 1979, 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 or or before May 14, 1980 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 if (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l). In deciding whether to grant leave to intervene, the Commission considers, among other things, whether petitioner has (a) solicited the traffic or business of those persons supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. Another factor considered is the effects of any decision on petitioner's interests.

Samples of petitions and the text and explanation of the intervention rules can be found at 43 FR 50908, as modified at 43 FR 60277.

Petitions not in reasonable compliance with these rules may be rejected. Note that Rule 247(e), where not inconsistent with the intervention rules, still applies. Especially refer to Rule 247(e) for requirements as to supplying a copy of conflicting authority, serving the petition on applicant's representative, and oral hearing requests.

MC 1515 (Sub-254 M1F), filed December 18, 1979. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077. Representative: L. J. Celmins (same address as applicant). Petitioner holds motor *common* carrier Certificate in MC-1515 Sub 254 issued December 5, 1979. MC-1515 Sub 254 authorizes transportation, over regular routes, of *passengers and their baggage* and *express and newspapers*, in the same vehicle with passengers, between Lincoln Tunnel Interchange and Delaware Memorial Bridge Interchange, over the New Jersey Turnpike, serving the intermediate points (1) between the Newark-Jersey City Interchange and the New Brunswick Interchange, and (2) at Interchange Nos. 5 and 7, restricted against the transportation of traffic (a) originating at New York, NY, and destined to Newark, NJ, or originating at Newark, NJ, and destined to New York, NY, except on carrier's intercity operations which neither originate at nor are destined to points in NJ, and (b) from or to Interchange Nos. 5 and 7 of the New Jersey Turnpike, which originated at or is destined to Philadelphia, PA, or New York, NY. By the instant petition, petitioner seeks to modify the authority by removing the restriction.

MC 17883 (M1F), (Notice of filing of petition to modify certificate), filed September 28, 1979. Petitioner: SKYLINE EXPRESS, INC., 421 East 16th Street, Paterson, NJ 07514. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Petitioner holds a motor *common carrier* certificate in MC-17883, issued March 26, 1968, to operate over irregular routes, in interstate or foreign commerce, transporting *General commodities* (except those of unusual value, classes A and B explosives, brick, coal, coke, pipe, conduits, clay, terra cotta, cut glass, fireworks, fish, flowers, hides, livestock, live poultry, sand, gravel, stone, x-ray machines, tubes, and commodities injurious or contaminating to other lading), between Paterson, NJ, on the one hand, and, on the other, Middletown, NY, Port Jervis, and Yonkers, NY. Between New York, NY, on the one hand, and, on the other, points in Bergen, Essex, Hudson, and Passaic Counties, NJ, and Elizabeth, NJ. By the instant petition, petitioner seeks to modify the authority as follows: change the last part to include all of the state of NJ, in lieu of certain Counties of Bergen, Essex, Hudson, and Passaic, and Elizabeth, NJ.

MC 76065(M1F), MC 76065 Subs 6(M1F), 7(M1F), 9(M1F), 11(M1F), 14(M1F), 18(M1F), 20(M1F), Sub 21(M2F), Sub 24(M2F), Sub 25(M1F), Sub 28(M1F), Sub 29(M1F), Sub 32(M1F), Sub 33(M1F), Sub 34(M1F), and MC-76065 E1 and E2 (M1F), notice of filing of petition to modify certificates, filed November 28, 1979. Petitioner: EHRLICH-NEWMARK TRUCKING CO., INC., 505-509 West 37th St., New York, NY 10018. Representative: Martin Werner, 888 7th Ave., New York, NY 10019. Petitioner holds motor *common carrier* authority in the above numbered dockets, issued March 4, 1944, September 11, 1947, June 13, 1949, December 26, 1956, January 11, 1963, January 25, 1967, August 9, 1968, (Sub 20 shows no issue date), December 2, 1974, November 2, 1976, March 24,

1976, March 16, 1976, June 25, 1976, September 17, 1976, Sub 34 is still pending issuance, May 2, 1975, July 7, 1975, and November 8, 1977, respectively. The commodities in the above certificates generally are garments, dry goods, wearing apparel, wearing apparel accessories, department store merchandise, and materials, equipment and supplies used in the manufacture of wearing apparel (except commodities in bulk). MC–76065 authorizes, over irregular routes, the transportation of garments, and materials and supplies for the manufacture thereof, (1) between New York, NY, and points in Hudson, Essex, Union, Passaic, and Middlesex Counties, NJ on the one hand, and, on the other, points in NJ and DE, and those in PA, MD, and WV on and east of U.S. Hwy 11, and (2) between Philadelphia, PA, on the one hand, and, on the other, Wilmington, DE, and Baltimore, MD. MC–76065 Sub 6 authorizes over irregular routes, the transportation of Garments, between New York, NY and Washington, DC. MC–76065 Sub 7 authorizes over irregular routes, the transportation of garment on hanger, from Ebensburg, PA, to New York, NY, and Materials and supplies used in the manufacture of garments, from New York, NY, to Ebensburg, PA. MC–76065 Sub 9 authorizes over irregular routes, the transportation, of garments, from Philadelphia, PA, and Baltimore, MD, to Washington, DC, and damaged and defective garments, from Washington, DC, to Philadelphia, PA, and Baltimore, MD. MC–76065 Sub 11 authorizes over irregular routes, the transportation of garments, on hangers, and materials and supplies used in the manufacture of garments, between Baltimore, MD, on the one hand, and, on the other, Millville and Vineland, NJ, and points in Atlantic County, NJ. MC–76065 Sub 14 authorizes over irregular routes, the transportation of wearing apparel on hangers, and materials and supplies for the manufacture of wearing apparel when moving on the same vehicle and at the same time with wearing apparel on hangers, between Laurel, DE, and Federalsburg, MD. MC–76065 Sub 18 authorizes over irregular routes the transportation of wearing apparel and wearing apparel accessories when moving in the same vehicle with wearing apparel, from points in that part of the New York, NY Commercial Zone as defined in *Commercial Zones and Terminal Areas,* 53 M.C.C. 451 within which local operations may be conducted pursuant to the partial exemption of Section 203(b)(8) of the Interstate Commerce Act (the "exempt" zone), to facilities of Lane Bryant, Inc., in Washington, DC; and returned shipments of the above-described commodities, in the reverse direction. MC–76065 Sub 20 authorizes over irregular routes, the transportation of wearing apparel and materials, supplies, and equipment used in the manufacture of wearing apparel (except commodities in bulk), (1) between Baltimore Md, and points in Baltimore, Carroll, Frederick, Howard, Montgomery and Prince Georges Counties, MD, on the one hand, and, on the other, points in PA on, east and south of a line beginning at the NJ–PA State line, then west over U.S. Hwy 22 to junction PA Hwy 61, then south over PA Hwy 61 to junction PA Hwy 10, then over PA Hwy 10 to the PA–MD State line, those points in DE on and north of DE Hwy 310, and those points in NJ bounded by a line beginning at the PA–NJ State line, then over U.S. Hwy 22 to junction NJ Hwy 18, then south over NJ Hwy 18 to junction U.S. Hwy 9, then south over U.S. Hwy 9 to junction NJ Hwy 50, then over NJ Hwy 50 to junction NJ Hwy 49, then over NJ Hwy 49 to junction Interstate Hwy 295 near Pennsville, and (2) between Philadelphia, PA on the one hand, and, on the other, those points in DE on and north of DE Hwy 310, and points in that part of NJ on and south of U.S. Hwy 22, and on and west of NJ Hwy 18 and U.S. Hwy 9 (except points in Atlantic, Salem, Gloucester, Cumberland and Camden Counties). MC–76065 Sub 21 authorizes over irregular routes the transportation of (1) wearing apparel, (2) materials, supplies and equipment used in the manufacture of wearing apparel (except commodities in bulk), and (3) department store merchandise when moving in the same vehicle with wearing apparel on hangers, between Washington, DC, Philadelphia, PA, and those points in PA and MD on and east of U.S. Hwy 11, on the one hand, and, on the other, points in VA (except Crewe), restricted against the tacking of such authority with other authority held by carrier. MC–76065 Sub 24 authorizes over irregular routes, the transportation of wearing apparel, on hangers and in containers, and materials, supplies and equipment used in the manufacture of wearing apparel (except commodities in bulk), between points in Nassau and Suffolk Counties, NY, on the one hand, and, on the other, Washington, DC, points in NJ, DE, VA, and those points in PA, MD, and WV on and east of U.S. Hwy 11. MC–76065 Sub 25 authorizes over irregular routes, the transportation of wearing apparel, and materials, supplies and equipment used in the manufacture of wearing apparel (except commodities in bulk), between New York, NY, and points in NJ, on the one hand, and, on the other, Bridgewater, Christianburg, Clifton Forge, Dublin, Elkton, Fairfield, Harrisonburg, Independence, Manassas, Parnassas, Suffolk, and Wytheville, VA. MC–76065 Sub 28 authorizes over irregular routes, the transportation of wearing apparel and materials, supplies, and equipment used in the manufacture of wearing apparel (except in bulk), between West Bristol, PA, and Philadelphia, PA, on the one hand, and, on the other, Salisbury, MD. MC–76065 Sub 29 authorizes over irregular routes, the transportation of wearing apparel, between points in Carroll County, MD, on the one hand, and, on the other, Washington, DC. MC–76065 Sub 32 authorizes over irregular routes, the transportation of wearing apparel and materials, supplies, and equipment used in the manufacture of wearing apparel (except commodities in bulk), between points in PA on and east of U.S. Hwy 11, on the one hand, and, on the other, points in DE, and those in Carolina, Dorchester, and Wicomico Counties, MD. MC–76065 Sub 33 authorizes over irregular routes the transportation of wearing apparel as described in Appendix X in *Description in Motor Carrier Certificates,* 61 M.C.C. 209, and accessories and dry goods, between points in Passaic, Bergen, Essex, Hudson, Morris, Union, Middlesex, Somerset and Monmouth Counties, NJ, on the one hand, and, on the other, points in Nassau and Suffolk Counties, NY, restricted against the transportation of traffic both originating at and destined to points in the above named Counties. MC–76065 Sub 34, which is pending issuance of a certificate, authorizes wearing apparel and materials, supplies and equipment used in the manufacture of wearing apparel (except commodities in bulk), between New York, NY, Philadelphia, and Mechanicsburg, PA, and Baltimore, MD, and points in NJ, on the one hand, and, on the other, points in NC, restricted to the transportation of traffic originating at or destined to points in NC. MC–76065 Sub E1, published in the May 2, 1975 **Federal Register** authorizes (1) Wearing apparel, loose, on hangers (except commodities in bulk), (2) from points in PA on, east, and south of a line beginning at the NJ–PA State line, then along U.S. Hwy 22 to junction PA Hwy 61, then along PA Hwy 61 to junction PA Hwy 10, then along PA Hwy 10 to the PA–MD State line to Norfolk, Newport News, Richmond, and Portsmouth, VA, (b) between points in that part of DE on and north of DE Hwy 310, on the one hand, and, on the other, Richmond and

Newport News, VA, (2) wearing apparel loose, on hangers, (a) from New York, NY, and points in Hudson, Essex, Union, Passaic, and Middlesex Counties, NJ, to Norfolk, Newport News, Richmond, and Portsmouth, VA, (b) from Portsmouth, VA, to New York, NY, and points in Hudson, Essex, Union, Passaic, and Middlesex Counties, NJ (3) wearing apparel, loose, on hangers (except commodities in bulk), (a) from points in that part of NJ on and south of U.S. Hwy 22, and on and west of NJ Hwy 18 and U.S. Hwy 9 (except points in Atlantic, Salem, Gloucester, Cumberland, and Camden Counties), to Norfolk, Newport News, Richmond, and Portsmouth, VA, (b) from Newport News and Richmond, VA, to points in NJ on and south of U.S. Hwy 22 and on and west of NJ Hwy 18 and U.S. Hwy 9 (except points in Atlantic, Salem, Gloucester, Cumberland, and Camden Counties), (4) materials and supplies used in the manufacture of wearing apparel, when transported from and to plant sites of clothing and wearing apparel manufacturers (except commodities in bulk), (a) from points in NJ bounded by a line beginning at the PA–NJ State line, then along U.S. Hwy 22 to junction NJ Hwy 18, then along NJ Hwy 18 to junction U.S. Hwy 9, then along U.S. Hwy 9 to junction NJ Hwy 50, then along NJ Hwy 50 to junction NJ Hwy 49, then along NJ Hwy 49 to junction Interstate Hwy 295 near Pennsville, NJ, and points in Hudson, Essex, Union, Passaic and Middlesex Counties, NJ to Newport News, Portsmouth, and Richmond, VA, (b) from points in that part of PA on, east, and south of a line beginning at the NJ–PA State line, then along U.S. Hwy 22 to junction PA Hwy 61, then along PA Hwy 61 to junction PA Hwy 10, then along PA Hwy 10 to the PA–MD State line to Newport News, Portsmouth, and Richmond, VA., (c) between Baltimore, MD, and points in Baltimore, Carroll, Frederick, Howard, Montgomery, and Prince Georges Counties, MD, on the one hand, and, on the other, points in NJ on and north of NJ Hwy 33, (d) between DC, on the one hand, and, on the other, points in NJ which are within the New York, NY Commercial Zone, (e) from Newport News and Richmond, VA, to points in NJ bounded by a line beginning at the NY–NJ State line, then along NJ Hwy 284 to junction NJ Hwy 15, then along NJ Hwy 15 to junction Interstate Hwy 80, then along Interstate Hwy 80 to junction Interstate Hwy 280, then over Interstate Hwy 280 to junction U.S. Hwy 1/9, then along U.S. Hwy 1/9 to junction Business U.S. Hwy 1, then along Business U.S. Hwy 1 to the Hudson River. MC–76065 Sub E2, by order served August 26, 1975, authorizes the transportation of (1) garments (a) between Baltimore, MD, and points in Baltimore, Carroll, Frederick, Howard, Montgomery, and Prince Georges Counties, MD, on the one hand, and, on the other, points in NJ on and north of NJ Hwy 33 (b) between DC, on the one hand, and, on the other, points in NJ within the New York, NY Commercial Zone, and (c) from points in DE on and north of DE Hwy 310 to Newport News, Portsmouth, and Richmond, VA, and (2) wearing apparel, loose, on hangers, from Newport News and Richmond, VA, to points in that part of NJ on and north of a line beginning at the NY–NJ State line, then along NJ Hwy 284 to junction Sussex County Hwy 565, then along Sussex county Hwy 565 to NJ Hwy 15, then along NJ Hwy 15 to junction Interstate Hwy 80, then along Interstate Hwy 80 to junction Interstate Hwy 280, then along Interstate Hwy 280 to junction U.S. Hwy 1, then along U.S. Hwy 1 to junction U.S. Business Hwy 1, then along U.S. Business Hwy 1 to the Hudson River. By the instant petition, petitioner seeks to modify and embrace the aforementioned authority to read: "(1) wearing apparel, on hangers and/or in cartons, (2) materials, supplies and equipment used in the manufacture, sale and distribution of wearing apparel, and (3) department store merchandise and/or chain store merchandise moving in the same vehicle with (1) and/or (2), between New York, NY, points in DE, NJ, those in MD, PA, and WV on and east of U.S. Hwy 11, those in Suffolk, Westchester and Rockland Counties, NY, Fairfield County, CT, and DC.

Note.—Any issuance of a certificate would be subject to prior or coincidental cancellation of the aforementioned authority at applicant's written request.

MC 80395 M1F, filed January 2, 1980. Applicant: T & R CARRIERS, INC., Paterson, NJ. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Petitioner holds motor *common* carrier Certificate in MC–80395 issued on May 13, 1948. MC–80395 authorizes as pertinent transportation, over irregular routes, of *general commodities* (except those of unusual value, livestock, dangerous explosives, fibre conduit, junction boxes and fittings, household goods as defend in *Practices of Motor Common Carriers, of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), between Newark, Paterson, Passaic, and Jersey City, NJ, on the one hand, and, on the other, points and places in Rockland and Orange Counties, NY. By the instant petition, petitioner seeks to modify the territorial description to read "between points in NJ, on the one hand, and, on the other, points and places in Rockland, and Orange Counties, NY."

MC 110525 (Sub-372), et al M1F, filed February 8, 1980. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Ave., Dowingtown, PA 19335. Representative: William H. Shawn, Suite 501, 1730 M St., N.W., Washington, DC 20036. Petitioner seeks to remove various Canadian traffic restrictions on its Certificate MC–110525 Sub 372, et al, under the Revised Policy Concerning Operating Authority to and from points in Canada. Petitioner is general authorized to transport commodities in bulk, including liquid chemicals, petroleum products, among others, between points in the United States, on the one hand, and the international boundary line between the United States and Canada. Removal of the Canadian traffic restrictions would eliminate the specific ports of entry petitioner must serve and certain Canadian origins and destinations restrictions imposed upon petitioner's certificates.

MC 114284 (Sub-51 M1F), filed January 3, 1980. Applicant: FOX-SMYTHE TRANSPORTATION CO., INC., P.O. Box 82307, Stockyard Station, Oklahoma City, OK 73148. Representative: William B. Barker, 641 Harrison St., Topeka, KS 66604. Petitioner holds motor *common* carrier Certificate in MC–114284 Sub 51 issued March 31, 1972. MC–114284 Sub 51 authorizes transportation, over irregular routes of *chocolate and chocolate candies*, and *candies and confectionery products* (except chocolate products) in mixed loads with chocolate and chocolate candies, from the facilities of Bunte Candies, Inc., at Oklahoma City, OK, to points in NM and AZ, points in El Paso and Hudspeth Counties, TX, and points in that part of TX on and bounded by a line beginning at Texas-New Mexico State line and extending along the eastern boundary of Husdspeth County, TX, to junction U.S. Hwy 80, then along U.S. Hwy 80 to junction U.S. Hwy 83, then along U.S. Hwy 83 to the Red River, near Childress, TX, then along the north bank of the Red River to the Texas-Oklahoma State line, with no transportation for compensation on return except as otherwise authorized. By the instant petition, petitioner seeks to modify the authority by deleting the restriction and the mixed loads restriction.

MC 115162 (Sub-368) (MIF) (notice of filing of petition to modify certificate), filed October 9, 1979. Petitioner: POOLE TRUCK LINE, INC., Evergreen AL 36401. Representaive: Robert E. Tate (same

address as applicant). Petitioner holds a motor *common carrier* certificate in MC–115162 Sub 368, issued June 8, 1978, to operate in interstate or foreign commerce, over irregular routes, transporting *Ground clay, floor sweeping compounds and absorbents* (except in bulk), from the facilities of Oil-Fri Corporation of America at near Ochlocknee, Ga, to points in the United States in and east of ND, SD, NE, KS, OK, and TX. *Floor sweeping compounds and absorbents* (except in bulk), from the facilities of Oil-Dri Corporation of America at or near Ripley, MS, to points in the United States in and east of ND, SD, NE, KS, OK, and TX. This certificate may not be tacked or joined with the carrier's other irregular-route authority.

By the instant petition, petitioner seeks to modify the certificate as follows: in part 1, substitute From *Thomas County; GA, in lieu of "from the facilities of Oil Dri Corporationof America at or near Ochlocknee, GA"*..

MC 135185 (Sub-31, 33, and 37 MIF) (notice of filing of petition to modify certificate), filed August 24, 1979. Petitioner: COLUMBINE CARRIERS, INC., P.O. Box 15246, 1720 East Garry Ave., Santa Ann, CA 92705. Representaive: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. Petitioner holds *contract carrier* authority in MC–135185 Sub 31, 33, and Sub 37, served July 25, 1978, January 30, 1979, and October 29, 1979, respectively. MC–135185 Sub 31 authorizes, over irregular routes, the transportation of (a) *Drugs, cosmetics, plastic boxes, weed killing compounds* and *animal and poultry feed supplements* (except commodities in bulk), from the facilities of Eli Lilly & Co., at or near Ronoke, VA, and Indianapolis, LaFayette, and Clinton, IN, to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY; and (b) *Materials and supplies* used in the manufacture and production of the commodities in (a) above (except commodities in bulk), in the reverse direction. MC 135285 Sub 33 authorizes the same commodities as described in Sub 31 in both (a) and (b) above, between the facilities of Eli Lilly and Company, at or near (1) Roanoke, VA, on the one hand, and, on the other, West Helena, AR, and points in KY, WV, TN, MD, NC, MS, AL, GA, SC, FL, and DC, and (2) Indianapolis, Lafayette, and Clinton, IN, on the one hand, and, on the other, West Helena, AR, and points in KY, WV, TN, VA, MD, NC, MS, AL, GA, SC, FL, and DC. MC–135185 Sub 37 authorizes *drugs, cosmetics, plastic boxes weed killing compounds,* and *animal and poultry feed supplements,* and (b) *materials and supplies* used in the manufacture of the commodities in (1)(a) above (except comodities in bulk), from the facilities of Eli Lilly and Company, at or near Clinton, Lafayette, and Indianapolis, IN, to points in TX on and west of U.S. Hwy 281, and (2) *materials and supplies* used in the manufacture and distribution of the commodities named in (1) above, from points in TX on and west of U.S. Hwy 281 to the facilities of Eli Lilly and Company, at or near Clinton, Lafayette, and Indianapolis, IN. All three Sub are under a continuing contract(s) with Eli Lilly and Company, of Inidanapolis, IN. By the instant petition, petitioner seeks to add *"plastic articles,* and *materials and supplies* used in the manufacture and production of plastic articles," to the commodity description in the said three permits.

MC 138134 (Sub-5) (MIF), (notice of filing of petition to remove a restriction), filed November 27, 1979. Petitioner: DONALD HOLLAND TRUCKING, INC., 1300 Main St., Keokuk, IA 52632. Representaive: Kenneth F. Dudley, 611 Church St., P.O. Box 279, Ottumwa, IA 52501. Petitioner holds *contract carrier* authority in MC–138134 Sub 5, served August 27, 1976. MC–138134 Sub 5 authorizes over irregular routes, the transportation of *calcium carbide,* in metal containers of not less than 2 tons capacity, from Keokuk, IA, to points in CO, IL, IN, KS, MI, MN, MO, NE, OH, PA, NJ, NY, ND, SD, and WI, under a continuing contract(s) with Midwest Carbide Corp., of Keokuk, IA. By the instant petition, petitioner seeks to delete "in metal containers of not less than 2 tons capacity".

Mc 140024 (Sub-119M1F), filed January 21, 1980. Applicant: J. B. MONTGOMERY, INC., 5565 East 52nd Ave., Commerce City, CO 80022. Representative: Jeffrey A. Knoll (same address as applicant). Petitioner holds motor *common* carrier Certificate in MC–140024 Sub 119 issued July 26, 1979. MC–140024 Sub 119 authorizes transportation, over irregular routes, of *confectionery products* (except commodities in bulk), in vehicles equipped for mechanical refrigeration, (1) from Boston, MA, to points in AR, AZ, CA, CO, ID, IL, IN, IA, KS, LA, MI, MN, MO, NE, NM, NV, OH, OR, UT, WA, and WI, (2) from West Reading, PA, to points, in AZ, CA, CO, ID, IL, IA, KS, MN, MO, NE, NM, NV, OR, UT, WA, and WI, (3) from North Grosvenordale, CT, to points in AZ, CA, CO, IL, IN, LA, MI, MN, OH, and WI, and (4) from Roxboro, MA, to points in AR, AZ, LA, MI, MN, MO, NE, NM, NV, OH, OR, UT, WA, and WI. By the instant petition, petitioner seeks to modify the authority by the addition of Foxboro, MA as an origin point.

MC 144122 (Sub-6M1F), (notice of filing of petition to modify certificate), filed October 15, 1979. Petitioner: CARRETTA TRUCKING, INC., 160 South, Route 17, Paramus, NJ 97652. Representative: Charles J. Williams, Esq., 1815 Front Street, Scotch Plains, NJ 07076. Petitioner holds a motor *common carrier* certificate in MC–144122 Sub 6, issued October 4, 1979, to operate over irregular routes, in interstate or foreign commerce, transporting *general commodities,* (except those of unusual value, classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and those requiring special equipment) (1) between Hartford, CT, Baltimore, MD, Boston, MA, Albany and New York, NY, and Philadelphia and Pittsburgh, PA, on the one hand, and, on the other, Los Angeles, Sacramento, San Diego, San Francisco, San Jose, Fresno, and Oakland, CA, and (2) from Hartford, CT, Baltimore, MD, Boston, MA, Albany and New York, NY, and Philadelphia and Pittsburgh, PA, to Phoenix and Tucson, AZ, Reno, NV, and Salt Lake City, UT, restricted to the transportation of shipments moviing on freight forwarder bills of lading issued by Westransco Freight Company located at Los Angeles, CA. By the instant petition, petitioner seeks modify the certificate as follows: in the restriction, delete "issued by Westransco Freight Company, located at Los Angeles, CA", thus, restriction would read: restricted to the transportation of shipments moving on freight forwarder bills of lading.

MC 144122 (Sub-10M1F) (notice of filing of petition to modify certificate), filed September 28, 1979. Petitioner: CARRETTA TRUCKING, INC., 160 South, Route 17, Paramus, NJ 07652. Representative: Charles J. Williams, Esq., 1815 Front Street, Scotch Plains, NJ 07076. Petitioner holds a motor *common carrier* certificate in MC–144122 Sub 10, issued June 4, 1979, to operate over irregular routes, in interstate or foreign commerce, transporting *Electric wire* from Linden and Hillside, NJ, to points in CO, IL, and TX. By the instant petition, peititioner seeks to modify the certificate as follows: Add New Brunswick and Paterson, NJ to the origin territory.

MC 145302 (M1F) (Notice of filing of petition to modify permit), filed September 26, 1979. Petitioner: GULF STATES CORPORATION, Box 7130, Trenton, NJ 08628. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Boulevard, McLean, VA

22101. Petitioner holds a motor *contract carrier* permit in MC–145302, issued July 26, 1979, to operate over irregular routes, in interstate or foreign commerce, transporting *materials* used in the manufacture of glass (except petroleum products and chemicals, in bulk, in tank vehicles), between Fairfield, AL, Wilmington, DE, Shoals, IN, Bow, NH, Camden, NJ, Middletown, OH, Morrisville, PA, Memphis, TN, and Cresap, WV, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with The Calumite Company, of Trenton, NJ. By the instant petition, petitioner seeks to add Burns Harbor, IN as an added point to his permit.

Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission on or before May 14, 1980. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 18121 (Sub-20F) (republication) filed September 14, 1977, previously noticed in the FR issued of November 3, 1977. Applicant: ADVANCE TRANSPORTATION CO., a corporation, 5005 South Sixth Street, Milwaukee, WI 53201. Representative: John Duncan Varda, 121 South Pinckney Street, Madison, WI 53703. A Decision by the Commission Division 1, decided February 14, 1980, and served February 25, 1980, finds that the present and future public convenience and necessity require operation by applicant, as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *general commodities,* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring the use of special equipment), between points in Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington, and Waukesha Counties, WI. Applicant is fit, willing, and able properly to perform the granted service and to conform to the Commission's regulations.

Note.—Applicant intends to tack the above authority with its existing regular route authority in order to provide service to and from the Wisconsin territory for shippers it serves in the Chicago, IL area. The purpose of this republication is to indicate applicant's intent to tack.

MC 35320 (Sub-215F) (republication) filed February 28, 1979, previously noticed in the FR issue of July 6, 1979. Applicant: T.I.M.E.-DC, INC., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). By the Commission, Review Board Number 1, decided March 10, 1980, and served March 14, 1980, finds that the present and future public convenience and necessity require operation by applicant, as a *common carrier,* by motor vehicle, in interstate or foreign commerce, 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 Halls, TN, as an off-route point in connection with carrier's otherwise authorized regular-route operations. Applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of Title 49, Substitle IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to eliminate the facility reference in the territorial description.

MC 143130 (Sub-1F) (Republication) filed, October 18, 1978, previously noticed in the FR issue of December 19, 1978. Applicant: RITCHIE BUS LINES, INC., 4 Meado Road, Northboro, MA 01532. Representative: Francis W. McInerny, 1000 16th St., NW., Washington, DC 20036. A Decision by the Commission, Division 1, decided March 6, 1980, and served March 13, 1980, finds on exceptions that applicant is authorized to operate as a *common carrier,* by motor vehicle, in interstate for foreign commerce, over irregular routes, transporting *passengers and their baggage,* in the same vehicle with passengers, in charter operations, beginning and ending at Ashland, Auburn, Clinton, Framingham, Grafton, Holden, Hopkinton, Lancaster, Leicester, Millbury, Paxton, Rutland, Spencer, West Boylston, and Worcester, MA and extending to points in AL, CT, DE, FL, GA, IL, IN, KY, LA, ME, MD, MI, MS, NH, NY, NC, OH, PA, RI, SC, TN, VA, VT, WV, WI, and DC. The purpose of this republication is to add New Hampshire as a destination state.

Motor Carrier Operating Rights Applications

The following applications, filed on or after March 1, 1979, 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 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 interven under Rule 247(k) 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 traffice or business of those persons supporting the application, or, (b) where the identity of those supporting the application is not included in the published appication 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 test and explanation of the intervention rules can be found at 43 Fed. Reg. 50908, as modified at 43 Fed. Reg. 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. Expecially 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.

MC 30605 (Sub-165F), filed September 17, 1979. Applicant: THE SANTA FE TRAIL TRANSPORTATION COMPANY, a corporation, 433 East Waterman St., Wichita, KS 67202. Representative: Martin J. Rosen, 256 Montgomery St., San Francisco, CA

94104. Authority sought to operate as a *commond carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusal value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Ehrenberg and Phoenix, AZ, and (2) between Ehrenberg and Phoenix, AZ, over Interstate Hwy 10, as an alternate route for operating convenience only. *The sole purpose of this application is to substitute single-line for joint-line operations. (Hearing site: Washington, DC, or San Francisco, CA.)*

MC 149271F, filed December 10, 1979. Applicant: NATIONAL PARK TOURS, INC., P.O. Box 95, Jackson, WY 83001. Representative: Timothy J. Bommer, P.O. Box 1728, Jackson, WY 83001. Authority sought to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, transporting (1) over regular routes, *passengers and their baggage, and express and newspapers*, between Jackson Hole Airport, WY, and Grand Targhee Resort, WY, from Jackson Hole Airport over U.S. Hwy 187 to junction WY State Hwy 22, then over WY State Hwy 22 to junction ID State Hwy 33 at the WY-ID State line, then over ID State Hwy 33 to Driggs, ID, then over unnumbered Hwy to Grand Targhee Resort, and return over the same route, serving all intermediate points, and serving Teton Village, WY, as an off-route point, and (2) over irregular routes, *passengers and their baggage*, in special and charter operations, beginning and ending at points in Teton County, WY, including Grand Teton and Yellowstone National Parks, and extending to points in MT, ND, SD, NE, CO, UT, and ID. (Hearing site: Cheyenne or Casper, WY.)

Irregular-Route Motor Common Carriers of Property—Elimination of Gateway Letter Notices

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination Rules* (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before April 24, 1980. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

The following applicants seek to operate as a *common carrier*, by motor vehicles, over irregular routes.

MC 124211 (Sub-E127) filed September 14, 1977. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, NE 68101. Representative: Thomas L. Hilt (same as above). *Junk and scrap 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) (a) from points in AL, to points in MN on and west of US Hwy 71; ND, SD and WY (points in NE in the Council Bluffs, IA, commercial zone, and points in Saunders County, NE*); (b) between points in AL, on the one hand, and, on the other, points in CA on and north of US Hwy 60; CO on and north of US Hwy 24; ID; IA on and west of US Hwy 59; MN on and west of US Hwy 71; MT, NV, ND, OR, SD, UT, WA and WY (points in NE in the Councils Bluffs, IA, commercial zone*); (c) between points in AZ on and south of US Hwy 60, on the one hand, and, on the other, points in ME, NH, and VT (points in NE in the Council Bluffs, IA, commercial zone); (d) between points in AZ, on the one hand, and, on the the other, points in CT, DE, DC, IL, IN, IA, KY, MD, MA, MI, MN, MO on and north of US Hwy 40, NJ, NY, ND, OH, PA, RI, SD, VA, WV and WI (points in ND*); (e) from points in AZ to points in KY (Lincoln, NE, commerical zone*); (f) between points in AR, on the one hand, and, on the other, points in CO on and north of US Hwy 6; IA on and west of US Hwy 75; MN on and west of US Hwy 71; MT; NV on and north of US Hwy 40; ND; OR; SD; UT on and north of US Hwy 40; WA and WY (points in NE*); (g) from points in CA (except points south of US Hwy 60) to points in IL, IN, IA, MI, MN, MO on and north of US Hwy 40, ND on and east of US Hwy 81, OH, SD on and east of US Hwy 281, and WI (points in Saunders County, NE*); (h) from points in CA (except points south of US Hwy 60) to points in KY (Lincoln, NE, commercial zone); (i) between points in CA (except points south of US Hwy 60), on the one hand, and, on the other, points in FL, GA, ME, MS on and south of US Hwy 78, NH, NC, SC and VT (points in NE*); (j) between points in CA (except points south of US Hwy 60), on the one hand, and, on the other, points in KY, TN, VA and WV on and south of US Hwy 60 (points in NE in the Council Bluffs, IA, commercial zone*); (k) between points in CO on and north of US Hwy 24, on the one hand, and, on the other, points in FL, GA and MS on and north of US Hwy 82 (points in NE*); (l) between points in CO, on the one hand, and, on the other, points in ME, NH, NC, SC, and VT (points in NE*); (m) from points in CO on and north of US Hwy 24, to points in IL on and north of US Hwy 50, IN, IA, MI, MN, ND on and east of US Hwy 81, OH, SD on and east of US Hwy 77, WI and St. Louis, MO (points in Saunders County, NE*); (n) from points in CO on and north of US Hwy 24, to points in KY (Lincoln, NE, commercial zone*); (o) between points in CO on and north of US Hwy 24, on the one hand, and, on the other, points in KY, TN, VA and WV on and south of US Hwy 60 (points in NE in the Council Bluffs, IA, commercial zone*); (p) from points in CT, to points in KS, ND, SD, and WY (points in Saunders County, NE*); (q) between points in CT, on the one hand, and, on the other, points in NM, OK and TX on and west of US Hwy 77 (points in NE*); (r) from points in DE, to points in KS on and west of US Hwy 81, ND, SD and WY (points in Saunders County, NE*); (s) between points in DE, on the one hand, and, on the other, points in NM, OK and TX on and west of US Hwy 183 (points in NE*); (t) between points in FL, on the one hand, and, on the other, points in ID, IA on and west of US Hwy 59, KS on and north of US Hwy 40, MN on and west of I Hwy 35, MT, NV, ND, OR, SD, UT, WA and WY (points in NE*); (u) between points in GA, on the one hand, and, on the other, points in ID, IA on and west of US Hwy 75, KS on and north of US Hwy 36, MN on and west of US Hwy 71, MT, NV on and north of US Hwy 50, ND, OR, SD, UT on and north of US Hwy 50, WA and WY (points in NE*); (v) between points in ID, on the one hand, and, on the other, points in LA, MS, NC, OK on and east of US Hwy 77, SC and TX on and east of US Hwy 77 (points in NE*); (w) between points in ID, on the one hand, and, on the other, points in KY, TN, VA and WV on and south of US Hwy 60 (points in NE in the Council Bluffs, IA, commercial zone*); (x) from points in ID, to points in KY (Lincoln, NE, commercial zone*); (y) from points in ID to points in IL, IN, IA, KS on and east of US Hwy 77, MI on and south of US Hwy 10, MN on and south of US Hwy 14, MO, OH, WI on and south

of US Hwy 10, Minneapolis, MN, Green Bay, WI (points in Saunders County, NE*); (z) from points in IL on and north of US Hwy 24, to points in KS on and west of US Hwy 81, ND on and west of US Hwy 281, and SD on and west of US Hwy 81 (points in Saunders County, NE*); (aa) between points in IL on and north of US Hwy 24, on the one hand, and, on the other, points in OK on and west of US Hwy 183, and TX on and west of US Hwy 281 (points in NE*); (bb) from points in IN on and north of US Hwy 24, to points in KS on and west of US Hwy 81, ND on and west of US Hwy 281, SD on and west of US Hwy 81, and WY (points in Saunders County, NE*); (cc) between points in IN on and north of US Hwy 24, on the one hand, and, on the other, points in OK on and west of US Hwy 183, and TX on and west of US Hwy 281 (points in NE*); (dd) from points in IN on and south of US Hwy 24, to points in ND, SD and WY (points in Saunders County, NE*); (ee) between points in IA on and north of US Hwy 6, on the one hand, and, on the other, points in NM, OK on and west of US Hwy 75, and TX on and west of US Hwy 77 (points in NE*); (ff) from points in IA on and south of US Hwy 30, to points in WY (points in Saunders County, NE*); (gg) between points in KY on and south of US Hwy 60, on the one hand, and, on the other, points in MT, NV, ND, OR, SD, UT, WA and WY (points in NE*); (hh) from points in KY on and south of US Hwy 60, to points in ND, SD, and WY (points in Saunders County, NE*); (ii) between points in LA, on the one hand, and, on the other, points in MN on and west of US Hwy 71; MT, ND, OR, SD, WA and WY (points in NE*); (jj) between points in ME, on the one hand, and, on the other, points in NM, OK and TX on and south of US Hwy 60 (points in NE in the Council Bluffs, IA, commercial zone*); (kk) from points in MD, to points in SD, ND, and WY (points in Saunders County, NE*); (ll) from points in MA, to points in KS on and west of US Hwy 81, ND, SD and WY (points in Saunders County, NE*); (mm) between points in MD and MA, on the one hand, and, on the other, points in NM (points in NE*); (nn) from points in MI (except points north of US Hwy 10), to points in KS on and west of US Hwy 81, ND, SD and WY (points in Saunders County, NE*); (oo) between points in MI, on the one hand, and, on the other, points in OK on and west of US Hwy 77, NM and TX on and west of US Hwy 75 (points in NE*); (pp) between points in MN, on the one hand, and, on the other, points in NM, OK and TX (points in NE*); (qq) between points in MS, on the one hand, and, on the other, points in MT, NV on and north of US Hwy 40, ND, OR, SD, UT on and north of I Hwy 80, and WY (points in NE*); (rr) from points in MO, to points, in ND, SD and WY (points in Saunders County, NE*); (ss) from points in MT, to points in IL, IN, IA on and south of US Hwy 20, KS on and east of US Hwy 77, MI on and south of US Hwy 10, MO, OH, and WI on and south of US Hwy 18 (points in Saunders County, NE*); (tt) from points in MT, to points in KY (Lincoln, NE, commercial zone*); (uu) between points in MT, on the one hand, and, on the other, points in NC, OK on and east of US Hwy 77, SC, TX on and east of US Hwy 77, VA on and south of US Hwy 60, and WV on and south of US Hwy 60 (points in NE in the Council Bluffs, IA, commercial zone*); (vv) from points in NV, to points in IL, IN, IA, MI, MN, MO on and north of US Hwy 40, OH and WI (points in Saunders County, NE*); (ww) between points in NH, on the one hand, and, on the other, points in NM on and south of US Hwy 60 (points in NE in the Council Bluffs, IA, commercial zone*); (xx) between points in NH, on the one hand, and, on the other, points in NM, ND, OK, OR, SD, TX on and west of US Hwy 75, UT, WA, and WY (points in NE*); (yy) from points in NJ, to points in ND, SD, and WY (points in Saunders County, NE*); (zz) between points in NJ, on the one hand, and, on the other, points in NM, OK, and TX on and west of US Hwy 81 (points in NE*); (aaa) between points in NM on and south of US Hwy 60, on the one hand, and, on the other, points in VT (points in NE in the Council Bluffs, IA, commercial zone*); (bbb) between points in NM, on the one hand, and, on the other, points in NY, OH, PA, RI, SD, ND, and WI (points in NE*); (ccc) from points in NY, to points in KS on and west of US Hwy 75, ND, SD and WY (points in Saunders County, NE*); (ddd) between points in NY, on the one hand, and, on the other, points in OK and TX (points in NE*); (eee) between points in NC, on the one hand, and, on the other, points in ND, OR, SD, UT, WA and WY (points in NE*); (fff) between points in ND, on the one hand, and, on the other, points in OK and TX (points in NE*); (ggg) from points in OH, to points in ND, SD, and WY (points in Saunders County, NE*); (hhh) between points in OK, on and south of US Hwy 60, on the one hand, and, on the other, points in VT (points in NE*); (iii) between points in OK on and east of US Hwy 81, on the one hand, and, on the other, points in OR, SD, WA and WY (points in NE*); (jjj) between points in OK on and west of US Hwy 81, on the one hand, and, on the other, points in SD and WI (points in NE*); (kkk) from points in OR, to points in IL, IN, IA, MI on and south of US Hwy 10, MO, OH, and WI on and south of US Hwy 12 (points in Saunders County, NE*); (lll) from points in OR, to points in KY (points in the Lincoln, NE, commercial zone); (mmm) between points in OR, on the one hand, and, on the other, points in KY, SC, TN, VA and WV on and south of US Hwy 60, and points in VT (points in NE in the Council Bluffs, IA, commercial zone*); (nnn) from points in PA, to points in ND, SD, and WY (points in NE in the Council Bluffs, IA, commercial zone*); (ooo) from points in RI, to points in ND, SD and WY (points in Saunders County, NE*); (ppp) between points in RI, on the one hand, and, on the other, points in OK and TX (points in NE*); (qqq) between points in SC, on the one hand, and, on the other, points in SD, UT, WA and WY (points in NE*); (rrr) between points in SD, on the one hand, and, on the other, points in TX and VT (points in NE*); (sss) from points in SD, to points in KY (Lincoln, NE, commercial zone*); (ttt) from points in TN to points in ND, SD and WY (points in Saunders County, NE*); (uuu) between points in TX, on the one hand, and, on the other, points in VT (points in NE in the Council Bluffs, IA, commercial zone*); (vvv) between points in TX, on the one hand, and, on the other, points in WA and WY (except points in TX west of US Hwy 385) (points in NE*); (www) from points in UT, to points in IL, IN, IA, MI, MN, OH and WI (points in Saunders County, NE*); (xxx) from points in VT, to points in ND, SD and WY (points in Saunders County, NE*); and (yyy) from points in WA, to points in IL, IN, IA, MO, and OH (points in Saunders County, NE*). Restriction: The authority granted (except paragraphs (a), (c), (e), (hh), (jj), (ww), (aaa), (hhh), (uuu), and (xxx)) is restricted against the transportation of scrap meats. (Gateway eliminated: asterisked)

Office of Proceedings, Permanent Authority Decisions, Decision-Notice

Substitution Applications: Single-Line Service for Existing Joint-Line Service

Decided: March 26, 1980.

The following applications, filed on or after April 1, 1979, are governed by the special procedures set forth in Part 1062.2 of Title 49 of the Code of Federal Regulations (49 CFR 1062.2).

The rules provide, in part, that carriers may file petitions with this Commission for the purpose of seeking intervention in these proceedings. Such petitions may seek intervention either with or without leave as discussed

below. However, all such petitions must be filed in the form of verified statements, and contain all of the information offered by the submitting party in opposition. Petitions must be filed with the Commission on or before May 14, 1980.

Petitions for intervention without leave (i.e. automatic intervention), may be filed only by carriers which are, or have been, participating in the joint-line service sought to be replaced by applicant's single-line proposal, and then only if such participation has occurred within the one-year period immediately proceeding the application's filing. Only carriers which fall within this filing category can base their opposition upon the issue of the public need for the proposed service.

Petitions for intervention with leave may be filed by any carrier. The nature of the opposition; however, must be limited to issues other than the public need for the proposed service. The appropriate basis for opposition, i.e. applicant's fitness, may include challenges concerning the veracity of the applicant's supporting information, and the bona-fides of the joint-line service sought to be replaced (including the issue of its substantiality). Petitions containing only unsupported and undocumented allegations will be rejected.

Petitions not in reasonable compliance with the requirements of the rules may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

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 exception 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 required by the present and future public convenience and necessity. 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 within 30 days of publication of this decision-note (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 grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 4 Members Fitzpatrick, Fisher, and Felder. Member Felder not participating.

MC 115703 (Sub-19F), filed August 15, 1979. Applicant: KREITZ MOTOR EXPRESS, INC., P.O. Box 375, 220 Park Road North, Wyomissing, PA 19610. Representative: Robert D. Gunderman, Suite 710, Statler Building, Buffalo, NY 14202. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *machinery, machine parts and articles* which because of size or weight require the use of special handling or rigging between points in CT, DE, MD, MA, NJ, NY, NC, OH, PA, RI, VA, WV and the District of Columbia, 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. The sole purpose of this application is to substitute single-line for joint-line operations.

MC 129480 (Sub-43F), filed August 13, 1979. Applicant: TRI-LINE EXPRESSWAYS LTD., 550 71st Ave., S.E., Calgary, Alberta, Canada T2H OS6. Representative: Richard S. Mandelson, 1600 Lincoln Center Bldg., 1660 Lincoln St., Denver, CO 80264. To operate as a common carrier, by motor vehicle, in foreign commerce, over irregular routes transporting (1) *farm machinery* and (2) *parts* for farm machinery from Hesston, KS, to ports of entry on the international boundary line between the United States and Canada at or near Sweetgrass, MT. (Hearing site: Denver, CO.)

Note.—The sole purpose of this application is to substitute single-line for joint-line operations.

MC 145734 (Sub-16F), filed November 30, 1979. Applicant: BD TRUCKING CO., a corporation, P.O. Box 817, Ripon, CA 95366. Representative: Edward J. Hegarty, 100 Bush St., 21st Floor, San Francisco, CA 94104. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1)(a) *machinery, equipment, materials, and supplies*, used or useful in logging, mining, road building, and construction work, and (b) *such commodities* when moving as a replacement, additional, repair, or a standby shipment, (2) *iron and steel articles*, as described in Appendix V to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209, and (3) *construction materials*, between points in CA, on the one hand, and, on the other, points in AZ, CO, MT, UT, and WY. *The sole purpose of this application is to substitute single-line for joint-line operations.* (Hearing site: San Francisco, CA.)

Office of Proceedings, Permanent Authority Decisions Volume—Decision-Notice

Decided: March 25, 1980.

The following broker, freight forwarder or water carrier applications are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission on or before May 14, 1980. Failure to file a protest within 30 days will be considered as a waiver of opposition to the application. A protest under these rules shall comply with Rule 247(e)(3) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is

made, contain a detailed statement of protestant's interest in the proceeding, as specifically noted below, and specify with particularity the facts, matters, and things relied upon. The protest shall not include issues or allegations phrased generally. A protestant shall include a copy of the specific portion of its authority which it believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder, interline, or other means—by which protestant would use this authority to provide all or part of the service proposed. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission. A copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named. If the protest includes a request for oral hearing, the request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

Section 247(f) provides, in part, that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service is either (a) required by the public convenience and necessity, or, (b) will be consistent with the public interest and the transportation policy of 49 U.S.C. § 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests, filed within 30 days of publication of this decision-notice (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. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 2. Members Liberman, Eaton, and Jensen. Member Jensen not participating.

MC 130802F, filed March 10, 1980. Applicant's name and address are JAMES M. BROCKMAN, 4914 Lankershim Boulevard, North Hollywood, CA 91601. The name under which operations will be performed is BROCKMAN & ASSOCIATES. Applicant is represented by Milton W. Flack in this proceeding whose address is 4311 Wilshire Blvd., Suite 300, Los Angeles, CA 90010. Following are the names and business addresses for all persons who are officers and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: James M. Brockman, an individual, sole proprietor. The business address is 4914 Lankershim Boulevard, North Hollywood, CA 91601. The daily operations will be managed by James M. Brockman, whose business is 4914 Lankershim Blvd., North Hollywood, CA 91601. Applicant is affiliated with the following shipper or warehouse: None.

MC 141323 (Sub-2F), filed February 14, 1980. Applicant: TMT INTERMODEL TRANSPORT, INC., 815 Haines Street, Jacksonville, FL 32206. Representative: Leo C. Franey, 918–16th Street, N.W., Washington, D.C. 20006. Transporting *general commodities* (except classes A and B explosives), between points in the commercial zones of (A) Lake Charles, LA, and (B) Miami, FL, restricted to traffic having a prior or subsequent movement by water. (Hearing site: Lake Charles, LA, or Miami, FL.)

Office of Proceedings, Permanent Ex-Water Authority Decision-Notices

Decided: March 25, 1980.

The following applications are governed by 49 CFR 1062.3. Applicants seek to obtain motor common carrier authority to perform service within the commercial zone of port cities where the shipment has a prior or subsequent movement by maritime carrier. The full text and explanation of the rules are contained at 44 FR 7965, as corrected at 44 FR 37230.

The sole issue upon which these applications can be protested is the applicant's fitness to perform the service. Protests (an original and one copy) must be filed with the Commission on or before May 14, 1980. The protest must contain the *specific facts* being relied upon to challenge fitness, and must contain a certification that it has been served concurrently upon applicant's representative, or, if none is listed, upon the applicant. Applicant may file a reply statement to any protest. The filing of these statements will complete the record, unless it is later determined that more evidence must be supplied.

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 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.

Each applicant is fit, willing, and able to properly 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 evironment 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 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 protests, filed within 30 days of publication of this decision-notice (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 grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 2, Members Liberman, Eaton, and Jensen. Member Jensen not participating.

MC 141323 (sub-2F), filed February 14, 1980. Applicant: TMT INTERMODAL TRANSPORT, INC., 815 Haines St., Jacksonville, FL 32206. Representative: Leo C. Franey, 918–16th St., NW., Washington, D.C. 20006. Transporting *general commodities* (except classes A and B explosives) between points in the commercial zones of (A) Lake Charles, LA, and (B) Miami, FL, restricted to traffic having a prior or subsequent movement by water. (Hearing site: Lake Charles, LA, or Miami, FL.)

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-11112 Filed 4-11-80; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Applications

The following are notices of filing of applications for temporary authority under 49 U.S.C. 10928 of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the field official named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

MC 2392 (Sub-132 TA), filed September 26, 1979, published in the **Federal Register** January 7, 1980 and republished this issue. Applicant: WHEELER TRANSPORT SERVICE, INC., 7722 "F" Street, Omaha, NE 68127. Representative: Keith D. Wheeler, P.O. Box 14248, West Omaha Station, Omaha, NE 68124. By decision entered March 19, 1980, the Motor Carrier Board granted applicant, 90 day temporary authority to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tallow*, from Schuyler, NE to Rush City, MN. Any interested person may file a petition for reconsideration within 20 days of the date of this publication. Within 20 days after the filing of such petition with the Commission, any interested person may file and serve a reply thereto. Purpose of this republication is to show the correct destination points of Rush City MN instead of Rush City, NE.

[Notice No. F-17]

The following applications were filed in Region I. Send protests to Regional Authority Center, Interstate Commerce Commission, 150 Causway St., Rm. 501, Boston, MA 02114.

MC 144061 (Sub-1–2TA), filed February 21, 1980. Applicant: SICOMAC CARRIERS, INC., 347 Sicomac Avenue, Wyckoff, NJ. 07481. Representative: Jack L. Schiller, 345 Webster Ave., Brooklyn, NY. 11230. *Contract carrier*, irregular routes. (1) *Cleaning* and *polishing compounds, textile softeners, lubricants, hypoclorite solutions, deodorants, disinfectants, paints, stains, varnishes, plastic bags, filters*, and *cleaning* and *sanitizing equipment* from the facilities of Economics Laboratory, Inc., located at or near Avenel and Palisades Park, NJ, Joliet, IL, St. Paul, MN, Garland, TX, and San Jose and City of Industry, CA to points in the United States (except AK and HI.) (2) *Raw materials* used in the production and manufacturing of *cleaning* and *polishing compounds, textile softeners, lubricants, hypoclorite solutions, deodorants, disinfectants, paints, stains, varnishes*, and *cleaning* and *sanitizing equipment*, from points in the United States (except AK and HI) to the facilities of Economics Laboratory, Inc. located at or near Avenel and Palisades Park, NJ, Joliet, IL, St. Paul, MN, Garland, TX, and San Jose and City of Industry, CA. (3) *Semi finished raw materials* used in the production and manufacturing of *cleaning* and *polishing compounds, textile softeners, lubricants, hypoclorite solutions, deodorants, disinfectants, paints, stains*, and *varnishes* between the facilities of Economics Laboratory, Inc. located at or near Avenel and Palisades Park, NJ, Joliet, IL, St. Paul, MN, Garland, TX, and San Jose and City of Industry, CA. *Condition:* The above traffic is restricted to service to be performed under a contract or continuing contracts with Economics Laboratory, Inc. of St. Paul, MN.

MC 146440 (Sub-1–3TA), filed February 27, 1980. Applicant: BOSTON CONTRACT CARRIER, INC., P.O. Box 68, Brookline, MA. 02167. Representative: Alan Bernson, Suite 32, 34 Market Street, Everett, MA. 02148. *General commodities, with the usual exceptions* from points in Middlesex County, MA, to points in AL, AR, CA, CO, FL, GA, ID, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, MT, NE, NV, NM, NC, ND, OH, OK, OR, SC, SD, TN, TX, UT, VA, WA, WV, WI, and WY. Restricted against the transportation of commodities in bulk. Supporting shipper: Belle Shippers Association, c/o James A.

Feinberg, 220 Lowell Street, Peabody, MA. 00960.

MC 146440 (Sub-1–4TA), filed February 27 1980. Applicant: BOSTON CONTRACT CARRIER, INC., P.O. Box 68, Brookline, MA. 02167. Representative: Alan Bernson, Suite 32, 34 Market Street, Everett, MA. 02148. *General commodities, with the usual exceptions* from points in Worcester County, MA, to points in AL, AR, CA, CO, FL, GA, ID, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, MT, NE, NV, NM, NC, ND, OH, OK, OR, SC, SD, TN, TX, UT, VA, WA, WV, WI, and WY. Restricted against the transportation of commodities in bulk. Supporting shipper: Belle Shippers Association, c/o James A. Feinberg, 220 Lowell Street, Peabody, MA. 00960.

MC 143236 (Sub-1–1TA), filed February 26, 1980. Applicant: WHITE TIGER TRANSPORTATION CO., INC., 40 Hackensack Avenue, S. Kearny, NJ. 07032. Representative: Elizabeth Eleanor Murphy, 40 Hackensack Avenue, S. Kearny, NJ. 07032. *Electric motors* between Carlstadt, NJ., on the one hand, and, on the other, points in AL, AK, CA, GA, IA, IL, IN, MO, MN, MS, NC, OH, PA, SC, TX, and WI. Restricted to traffic originating at or destined to the facilities of Brevel Motors, Division of McGraw Edison. Supporting Shipper: Brevel Motors, Broad and 16th Streets, Carlstadt, NJ., 07072

MC 150159 (Sub-1–1TA), filed February 25, 1980. Applicant: WILNER'S LIVERY SERVICE, INC., 1421 Witherspoon Street, Rahway, NJ 07065. Representative: Robert B. Pepper, 168 Woodbridge Avenue Highland Park, NJ 08904. *Passengers and their baggage, in special operations,* in non-scheduled door-to-door service of not more than six (6) passengers in any one vehicle, not including driver, between points in Middlesex, Somerset, and Union Counties, NJ, on the one hand, and, on the other, John F. Kennedy International and LaGuardia Airports, NY, and Philadelphia International Airport, Philadelphia, PA. Supporting shippers: Hanson Industries, Inc., 23 Wood Avenue South, Iselin, NJ, Edison Travel, Inc., Edison Colonial Village Rte. 27, Edison, NJ, Travelong, Inc., 1478 Morris Avenue, Union, NJ, Bridgewater Travel Service, Inc., 1948 Washington Alley Road, Martinsville, NJ, and Ethicon, Inc., Sommerville, NJ.

MC 140006 (Sub-1–1TA), filed February 26, 1980. Applicant: JOHN W. GEORGE, d.b.a. HEPNER'S TRUCKING CO., 1810 East Washington Avenue, Vineland, NJ. 08360. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ. 08904. *Floor covering and materials and supplies used in the installation and manufacturing thereof, except in bulk,* between Vineland, NJ and Philadelphia, PA, on the one hand, and, on the other, Atlanta, Dalton, and Rome GA, and Chattanooga, TN. Supporting Shippers: The Carpet Shop, 92 North Delsea Drive, Vineland, NJ. 08360 and Aspen Wholesale Carpets, Inc., 7025 Colonial Highway, Pennsauken, NJ. 08109.

MC 128343 (Sub-1–3TA), filed April 1, 1980. Applicant: C–LINE, INC., Tourtellot Hill Road, Chepachet, Rhode Island 02814. Representative: Ronald N. Cobert, Esquire, Suite 501, 1730 M Street, NW., Washington, D.C. 20036. *Contract carrier,* irregular routes: *Commodities as are dealt in by retail department stores and equipment, materials,* and *supplies* used in the distribution and manufacture thereof between facilities of Child World, Inc., at or near Avon, MA, Obetz, OH and Kansas City, MO, on the one hand, and, on the other, Los Angeles, CA and points in states east of and including TX, OK, KS, IA and MN. (Supporting shipper: Child World, Inc., Avon, MA.)

MC 145679 (Sub-1–2TA), filed March 27, 1980. Applicant: A & A TRANSPORT, INC., P.O. Box 569, Palmer, MA 01069. Representative: Arlyn L. Westergren, Westergren & Hauptman, Suite 106, 7101 Mercy Road, Omaha, NI 68106. *Cutting tools and materials and supplies used in the manufacture of cutting tools,* from Fitchburg, MA and Newcomerstown, OH to Los Angeles, CA. Supporting Shipper: Simonds Cutting Tools, Division of Wallace Murray Corporation, Intervale Road, Fitchburg, MA 01420.

MC 150447 (Sub-1–1TA), filed March 31, 1980. Applicant: GSC TRANSPORT, INC., 1050 State Street, Perth Amboy, NJ 08861. Representatives: John L. Alfano and Roy A. Jacobs, Esqs. (Alfano & Alfano, P.C.) 550 Mamaroneck Avenue, Harrison, NY 10528. *Contract carrier,* irregular (1) *Foam glass insulation and glass block in containers or trailers with chassis; and (2) Empty trailers with chassis or containers,* between Port Allegany, PA, on the one hand, and, on the other, New York, NY and Baltimore, MD. *restricted* to shipments having a prior or subsequent movement by water, under contract with Pittsburgh Corning Corporation of Pittsburgh, PA. Supporting shipper: Pittsburgh Corning Corporation, Pittsburgh, PA.

MC 146418 (Sub-1–TA), filed March 28, 1980. Applicant: WALTER A. SOWDEN JR., d.b.a. SOWDEN TRANSPORTATION CO., 92 East Main Street, Somerville, NJ 08876. Representative: Paul J. Keeler, P.O. Box 253, South Plainfield, NJ. 07080. *Contract carrier,* irregular routes, *(1) Liquid Plastic, except in bulk in tank vehicles,* From: North Baltimore, OH. and Waukesha, WI. to points in CT, DE, GA, ID, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MO, NE, NJ, NY, OH, OK, PA, RI, TN, TX, UT, and WI, and, (2) Polyvinyl Chloride Resins, except in bulk in tank vehicles, From: points in DE, IL, ON, KY, LA, NJ, NY, OH, and PA, to North Baltimore, OH and Waukesha, WI, under a continuing contract or contracts with Plast-O-Meric Incorporated, North Baltimore, OH, 45872.

MC 142765 (Sub-1–2TA), filed April 2, 1980. Applicant: AMERICAN TRANSPORTATION, INC., 797 Amity Road, Bethany, Connecticut 06460. Representative: Harold G. Hernly, Jr., 110 South Columbus Street, Alexandria, VA 22314. *Contract carrier irregular* routes, *such merchandise as is dealt in by bakery houses,* between Baltimore, MD and Clifton, NJ and points in their commercial zones. Supporting shipper: Silber's Bakery, Inc., Baltimore, MD.

MC 150360 (Sub-1–1TA), filed March 27, 1980. Applicant: KENNEDY CO., INC., d.b.a. BRENNAN TRANSPORTATION SERVICES, Pike Road, Mt. Laurel, NJ 08054. Representative: Raymond A. Thistle, Jr., Five Cottman Court, Homestead Road & Cottman Street, Jenkintown, PA 19046. *Pharmaceutical Tablets* from the facilities of PACO Packaging, Incorporated, Lakewood, NJ to Philadelphia, PA. Supporting shipper: PACO Packaging, Incorporated, Rt. 70 and Corporate Highway, Lakewood, NJ 08701.

MC 148370 (Sub-1–1TA), filed March 24, 1980. Applicant: TRAFIK SERVICES, INC., 11 Newark Street, Providence, RI 02908. Representative: A. Joseph Mega (same address as applicant). *Contract carrier,* Irregular routes: *Paper and paper products, and paper and pulpboard combined with aluminum foil, copper flashing with or without paper and paper products and supplies* used in the sale of the foregoing commodities from the plantsite of the Fortifiber Corporation at Attleboro, MA to all points in US. RESTRICTION: The shipments are restricted to a transportation service to be provided under a continuing contract or contracts with the Fortifiber Corporation of Attleboro, MA. Supporting shipper: Fortifiber Corporation, 55 Starkey Avenue, Attleboro, MA 02703.

MC 150448 (Sub-1–1TA), filed March 31, 1980. Applicant: CHART TRANSPORTATION, INC., 243 W. Hazlewood Avenue, Rahway, NJ 07065.

Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Contract carrier:* irregular routes: *Plastic articles (except commodities in bulk),* from Monaca, PA; La Porte, Port Arthur, and Houston, TX; and Metuchen, NJ, to points in the U.S. (except AK and HI). Supporting shipper(s): Arco Polymers, Inc., 1500 Market St., Philadelphia, PA 19101.

MC 124423 (Sub-1–1TA), filed March 27, 1980. Applicant: JET MESSENGER SERVICE, INC., P.O. Box 99, Metuchen, NJ 08840. Representative: Lawrence Day (same address as applicant). *Drugs, medicines, chemicals and materials, equipment supplies and records used in connection with research, manufacture and distribution thereof* (except commodities in bulk and limited to shipments weighing 5,000 pounds or less), between Rahway, NJ, on the one hand, and, on the other, points in DE, DC, MD, MA, NC, NH, NY, PA, SC, RI, VT. Supporting shipper: Merck, Inc., P.O. Box 2000, Rahway, NJ.

MC 119543 (Sub-1–1TA), filed March 26, 1980. Applicant: RICHARD J. MULLANEY, 66 Helena Street, Leominster, Massachusetts 01453. Representative: David M. Marshall, Marshall and Marshall, 101 State Street, Suite 304, Springfield, Massachusetts 01103. *Coke, in bulk, in dump vehicles;* from the plantsite of Philadelphia Coke Co., Inc. at Philadelphia, PA, to Barre, Blackstone, Bridgewater, Brockton, Concord, Easton, Fitchburg, Gilbertville, Graniteville, Indian Orchard, Lawrence, Lynn, North Andover, Ware, Westfield, Whitman, and Worcester, MA, and Cumberland, Esmond, Johnston, and Woonsocket, RI. Supporting shipper: Philadelphia Coke Co., 4501 Richmond St., Phil., PA 19137.

MC 146046 (Sub-1–1TA), filed March 28, 1980. Applicant: INTERCOASTAL LINES, LTD., 200 Foxhunt Crescent, Syosset, NY 11791. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. *Contract carrier,* irregular routes: *Paper and paper articles,* from the facilities of Automatic Data Processing, Inc. at or near Clifton, NJ to Santa Clara and LaPalma, CA, under a continuing contract(s) with Automatic Data Processing, Inc. of Trenton, NJ. Supporting shipper(s): Automatic Data Processing, Inc., 405 Route 3, Clifton, NJ 07015.

MC 150441 (Sub-1–1TA), filed March 31, 1980. Applicant: JOHN E. ZULAK HAULAGE LIMITED, 1489 Augustine Drive, Burlington, Ontario, Canada L7P 2N1. Representative: Robert D. Gunderman, Esq., Suite 710, Statler Building, Buffalo, NY 14202. *Contract carrier,* irregular routes: *Scrap materials,* between ports of entry on the International Boundary line between the U.S. and Canada located in MI and NY, on the one hand, and, on the other, Detroit, MI and Dunkirk, NY, restricted to the transportation of traffic performed under a continuing contract or contracts with Mostel Metals Company of Canada Ltd. Supporting shipper(s): Mostel Metals Company of Canada Ltd., 371 Comstock Road, Scarborough, Ontario, Canada M1L 2H3.

MC 142319 (Sub-1–1TA), filed March 31, 1980. Applicant: STRAUSS TRUCKING, LTD., P.O. Box 316, Bloomsbury, NJ 08804. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. *Shopping carts, and materials, supplies and equipment used in the manufacture thereof,* between Pennsauken, NJ, on the one hand, and, on the other, points in the United States (except AK and HI). Supporting shipper(s): United Steel & Wire Co., Inc., Suckle & National Highway, Pennsauken, NJ 08110.

MC 61016 (Sub-1–2TA), filed March 31, 1980. Applicant: PETER PAN BUS LINES, INC., 1776 Main Street, Springfield, MA 01103. Representative: Philip J. Shine, Esq., 95 State Street, Suite 909, Springfield, MA 01103. *Passengers and their baggage,* in the same vehicle with passengers over irregular routes in charter and special operations, in vehicles specially equipped to accommodate wheelchairs, (1) between points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island and New York; and (2) beginning and ending at the points named in (1) and extending to points in the United States, including Alaska, but excluding Hawaii. There are 13 supporting shippers whose statements may be examined at ICC Boston office.

MC 148849 (Sub-1–2TA), filed March 26, 1980. Applicant: EQUITABLE BAG CO., INC., 45–50 Van Dam Street, Long Island City, NY 11101. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Contract carrier:* irregular routes: *Such commodities as are sold or dealt in by department stores, paper and paper products (except commodities in bulk),* (1) from points in the Chicago, IL Commercial Zone, to Sharonville, OH; (2) from Miami, FL, to Charlotte, NC; and (3) from Charlotte, NC, to Sharonville, OH. Supporting shipper(s): Montgomery Ward & Co., Montgomery Ward Plaza, Chicago, IL 60671.

MC 61016 (Sub-1–1TA), filed March 28, 1980. Applicant: PETER PAN BUS LINES, INC., 1776 Main Street, Springfield, MA 01103. Representative: Charles A. Webb, Suite 800, South, 1800 M Street, NW., Washington, D.C. 20036. *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 290 to junction Interstate Hwy 495, 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

MC 146418 (Sub-1–1TA), filed March 28, 1980. Applicant: WALTER A. SOWDEN, JR. d.b.a. SOWDEN TRANSPORTATION CO., 92 East Main Street, Somerville, NJ 08876. Representative: Paul J. Keeler, P.O. Box 253, South Plainfield, NJ 07080. *Contract,* irregular, (1) *Liquid plastic, except in bulk in tank vehicles,* from North Baltimore, OH and Waukesha, WI to points in CT, DE, GA, ID, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MO, NE, NJ, NY, OH, OK, PA, RI, TN, TX, UT and WI, and (2) *Polyvinyl chloride resins, except in bulk, in tank vehicles,* from points in DE, IL, ON, KY, LA, NJ, NY, OH and PA to North Baltimore, OH and Waukesah, WI. Supporting shipper(s): Plast-O-Meric Incorporated, North Baltimore, OH 45872.

MC 145914 (Sub-1–2TA), filed March 27, 1980. Applicant: COASTAL TRUCK LINE, INC., How Lane, New Brunswick, NJ 08903. Representative: Herbert Burstein, Esq., One World Trade Center, Suite 2373, New York, NY 10048. *Contract,* Irregular, *Bakery goods other than frozen in truckload lots,* between the facilities of Sunshine Biscuits, Inc., Sayreville, NJ and the facilities of Sunshine Biscuits, Inc. in Columbus, GA. Supporting shipper: Sunshine Biscuits, Inc. of Sayerville, NJ 08872.

MC 143785 (Sub-1–1TA), filed March 28, 1980. Applicant: B & W INC., 89 Teed Drive, Randolph, MA 02368. Representative: William H. Burke, 89 Teed Drive, Randolph, MA 02368. *Contract,* Irregular *Containers, glassware, bottles, cans, jars, bottle caps, boxes and materials and supplies used in the manufacture and use thereof,* From points in MA to points in NY, except the Boroughs of Bronx, Kings, Manhattan, Queens and Richmond; and the counties of Nassau and Suffolk. Supporting shipper: Foster Forbes, Inc. of Milford, MA 01759.

MC 145961 (Sub-1–1TA), filed March 28, 1980. Applicant: ACE TRUCKING CO., INC., 1 Hackensack Ave., South Kearny, NJ 07032. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Industrial Plumbing Supplies, and materials, equipment, and supplies used in the manufacture and sale of Industrial Plumbing Supplies (except commodities in bulk),* Between Medford and Boston, MA, and its Commercial Zone, on the one hand, and, on the other, points in the states of CA, FL, GA, IL, SC, TX, and TN. Supporting shipper(s): Asahi/America, P.O. Box 310, Riverside Ave., Medford, MA 02155.

MC 98542 (Sub-1–1TA), filed March 27, 1980. Applicant: COLLINS & SIMMONS, INC., (a Delaware corporation), P.O. Box 98, Wolcott, NY 14590. Representative: Raymond P. Keigher, 1400 Gerard Street, Rockville, MD 20850. *Such commodities* as are dealt in by grocery and food business houses (except commodities in bulk), between points in Genesse, Livingston, Monroe, Ontario, Wayne, and Yates Counties, NY, on the one hand, and, on the other, points in DE, MD, NJ, NY, NC, PA, and VA. Supporting shipper: Curtice-Burns, Inc., Lent Ave., Le Roy, NY 14482.

MC 138861, (Sub-1–4TA), filed April 3, 1980. Applicant: C–LINE, INC., Tourtellot Hill road, Chepachet, Rhode Island 02814. Representative: Ronald N. Cobert, Esquire, 1730 M Street, N.W., Suite 501, Washington, DC 20036. *General Commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between railroad ramps located at Bridgeport, North haven, and Plainfield, CT; Boston, West Springfield, and Worcester, MA; Pawtucket and Providence, RI, on the one hand, and, on the other, points in CT, MA, and RI, restricted to shipments having a prior or subsequent movement by rail. Supporting shipper: Go-Van Consolidators, Inc. Warwick, RI.

MC 150394 (Sub-1–1TA) filed April 3, 1980. Applicant: P & L ENTERPRISES, 1776 Main Street, Springfield, MA 01103. Representative: Robert J. Brooks, 1111 E Street, N.W., Suite 501, Washington, DC 20004. *Contract carrier* irregular routes, *passengers and their baggage, in vehicles seating 25 passengers or less,* between the facilities of Boardwalk Regency Hotel and Casino, at Atlantic City, NJ, on the one hand, and, on the other, Washington, DC, and points in CT, DE, MD, NY, PA, and VA, under a continuing contract with Happy Day Tours, Inc., exclusive booking agent for Boardwalk Regency Hotel and Casino. Supporting shipper: Happy Day Tours, Inc., Atlantic City, NJ.

MC 150494 (Sub-1–1TA), filed April 4, 1980. Applicant: SIMCOE COACH LINES LIMITED, R.R. No. 3, Sutton West, Ontario, Canada LoE 1RO. Representative: Robert D. Gunderman, Esq., 710 Statler Building, Buffalo, New York 14202. *Passengers and their baggage, in the same vehicle with passengers in round-trip charter and special operations, in sightseeing and pleasure tours,* beginning and ending at ports of entry on the United States-Canada Boundary lines and extending to points in KY, MI, NC, NJ, NY, OH, PA, SC, TN, VA, WV and DC, restricted to trips beginning and ending at or near Keswick and Sutton, Ontario. Supporting shipper: Walker Travel Service, 33 Queensway South, Keswick, Ontario, Canada L4P 1Y8.

The following applications were filed in Region 2. Send protests to: ICC, Federal Reserve Bank Bldg., 101 N. 7th St. Room 620, Philadelphia, PA 19106.

MC 117344 (Sub-2–2TA), filed March 27, 1980. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati, OH 45215. Representative: John C. Spencer (same address as applicant). *Plastic Pellets, in bulk, in tank or hopper type vehicle,* from Owensboro, KY to Etowah, NC for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Hammond Plastics-Midwest, Inc., P.O. Box 990, Harbor Rd., Owensboro, KY 42301.

MC 106920 (Sub-No. 2–1TA), filed March 17, 1980. Applicant: RIGGS FOOD EXPRESS, INC., West Monroe St., P.O. Box 26, New Bremen, OH 45869. Representative: David C. Venable, Suite 805, 666 11th Street NW., Washington, DC 20001. *Foodstuffs (except in bulk),* from the facilities of Anderson-Clayton Foods, Inc., at or near Jacksonville, IL, to points in MO for 180 days. An underlying ETA seeks 90 days. Supporting shipper: Anderson-Clayton Foods, Inc., 7839 Churchill Way, Dallas, TX 75251.

MC 146964 (Sub-II–7TA), filed March 24, 1980. Applicant: RELIABLE TRUCK LINES, INC., 1451 Spahn Ave., York, PA 17403. Representative: Michael Valencik (same as applicant). *Paper and paper products* between Erie and Lock Haven, PA and Oswego, NY to pts. in AL, GA, NC, SC, and VA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Hammermill Paper Co., Box 1440, 1540 East Lake Rd., Erie, PA 16533.

MC 150416 (Sub-II–1TA), filed March 20, 1980. Applicant: H. P. HOFFMAN COMPANY t.d.b.a. MOYER TRUCKING AND MOVING, R.D. No. 1, Kegerise Dr., Temple, PA 19560. Representative: John W. Dry, 541 Penn St., Reading, PA 19601. (1) *Fabricated Hair,* from the facilities of F. P. Woll & Co., Philadelphia, PA, to points in OH and WV, and vice versa: (2) *China and glassware,* from the facilities of Reading China & Glass Co., Wyomissing, PA, to points in OH, NY and NJ, and vice versa; (3) *Shirts and Materials,* from the facilities of Fleetwood Shirt Corp., Fleetwood, PA, to points in NJ and NY, and vice versa: (4) *Trivets and Cast Iron Items,* from the facilities of Robert Emig Products, Inc., Reading, PA, to points in NJ and NY, and vice versa; (5) *New and Used Trailers,* from the facilities of Fisher Leasing, Inc., Reading, PA, to points in NJ, and vice versa; (6) *Plastic-Coated Parts,* from the facilities of Fusion Coatings, Inc., Robesonia, PA, to points in NJ, and vice versa. Supporting shippers: There are six (6) supporting shippers. Their statements may be examined at the ICC Regional Office in Phila., PA.

MC 22182 (Sub-II–1TA), filed March 27, 1980. Applicant: NU-CAR CARRIERS, INC., P.O. Box 172, Bryn Mawr, PA 19010. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. *New automobiles and trucks* from Baltimore, MD, to KY, IN, MI, and TN for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper(s): Nissan Motor Corp. in U.S.A., 18501 Figueroa St., Carson, CA 92048.

MC 2202 (Sub-II–3TA), filed March 24, 1980. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. *Common;* regular: *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 the plantsite of Tamco/Alliance Mfg. Co. at or near Shenandoah, VA as an off-route point in connection with applicant's regular routes to and from Staunton, VA, for 180 days. Applicant proposes to tack the authority sought herein with its regular routes at Staunton, VA. Applicant proposes to interline at existing gateways throughout its system. An underlying E.T.A. seeks 90 days authority. Supporting shipper(s): tamco/ Alliance Mfg. Co., 22790 Lake Park Blvd., Alliance, OH 44601.

MC 2202 (Sub-II–4TA), filed March 27, 1980. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. *Common;* regular: *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 and points in its commercial zone as off-route points in connection with applicant's regular routes to and from Hutchinson, KS, for 180 days. Applicant proposes to tack the authority sought herein with its regular routes at Hutchinson, KS. Applicant proposes to interline at existing gateways throughout its system. An underlying E.T.A. seeks 90 days authority. Supporting shipper(s): ARK Manufacturing Co., Inc., P.O. Box 327, 112 S. Broadway, Sterling, KS 67579.

MC 2202 (Sub-II–5TA), filed March 28, 1980. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. *Common;* regular: *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 Coushatta, LA and points in its commercial zone as off-route points in connection with applicant's regular routes to and from Shreveport, LA, for 180 days. Applicant proposes to tack the authority sought herein with its regular routes at Shreveport, LA. Applicant proposes to interline at existing gateways throughout its system. Supporting shippers: Sunbeam Corp., Drawer J, Coushatta, LA 71019; Dadco Fashions, P.O. Box 546, Coushatta, LA 71019.

MC 140952 (Sub-II–1TA), filed March 28, 1980. Applicant: REFRIGERATED EXPRESS, INC., 720 Twelfth St., Huntington, WV 25701. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. *Such commodities as are dealt in by grocery and food business houses, requiring protective service, except commodities in bulk,* between Jackson and Pearl, MS on the one hand, and, on the other, points in AR on, south and east of a line beginning at MS River and extending along AR Hwy 4 to McGehee, then south along U.S. Hwy 65 to junction with U.S. Hwy 165, then along U.S. Hwy 165 to the AR–LA State line; those points in LA on and east of a line beginning at the AR–LA State line and extending south along U.S. Hwy 167 to the Gulf of Mexico; those points in AL on, west and south of a line beginning at the MS–AL State line extending along U.S. Hwy 90 to Mobile, then along U.S. Hwy 43 to junction with U.S. Hwy 80, then along U.S. Hwy 80 to the AL–MS State line, and all points in MS for 180 days. Supporting shipper(s): Hershey Chocolate Co., 19 East Chocolate Ave., Hershey, PA 17033; Leaf Confectionery, Inc., 1155 No. Cicero Ave., Chicago, IL 60651; Luden's Inc., 200 No. 8th St., Reading, PA 19603; The Nestle Co., Inc., 100 Bloomingdale Rd., White Plains, NY 10605.

MC 119632 (Sub-II–4TA), filed March 27, 1980. Applicant: REED LINES, INC., 634 Ralston Ave., Defiance, OH 43512. Representative: Wayne C. Pence (same as applicant). *Foodstuffs, canned, prepared, or preserved (except frozen or in bulk),* from the facilities of Carnation Co. at Fort Wayne, IN to points in KY, MI, and OH for 180 days. Supporting shipper(s): Carnation Co., 5045 Wilshire Blvd., Los Angeles, CA 90036.

MC 119632 (Sub-II–6TA), filed March 28, 1980. Applicant: REED LINES, INC., 634 Ralston Ave., Defiance, OH 43512. Representative: Wayne C. Pence (same as applicant). *Plastic bottles, less than 1 gallon capacity,* from the facilities of Polycon Industries, Inc. at Chicago, IL to Souderton, PA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Polycon Industries, Inc., 1001 E. 99th St., Chicago, IL 60628.

MC 116763 (Sub-2–4–TA), filed March 28, 1980. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira (same as applicant). *Lighting fixtures and parts therefor (except commodities in bulk, in tank vehicles),* from Chattanoga, TN to points in the United States (except AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Restricted to traffic originating at the above named origin and destined to the indicated destinations. Supporting shipper: Lithonia Lighting, Division of National Service Industries, Inc., P.O Box H, 1400 Lester Rd., Conyers, GA 30207.

MC 108631 (Sub-2–1TA), filed March 31, 1980. Applicant: BOB YOUNG TRUCKING, INC., Schoenersville Road and Industrial Drive, Bethlehem, PA 18017. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110. *Steam condenser parts and heat exchangers and parts thereof,* From the facilities of Ecolaire Condenser, Inc., Easton, PA to Vogtle, GA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ecolaire Condenser, Inc., Lehigh Drive, West Easton, PA 18042

MC 147681 (Sub-II–2TA), filed March 24, 1980. Applicant: HOYA EXPRESS, INC., P.O. Box 543, R.D. No. 2, West Middlesex, PA 16159. Representative: Michael P. Pitterich (same address as applicant). *Glass containers,* one gallon or less capacity, from Glass Container Corporation located in Knox, Marienville, Parker, PA; Clarion Warehousing in Clarion County, PA; and General Warehousing, DuBois, PA to points in NJ, MD and DE, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Glass Containers Corp., Penn Ave., Knox, PA.

MC 147681 (Sub-II–3TA), filed March 27, 1980. Applicant: HOYA EXPRESS, INC., P.O. Box 543, R.D. No. 3, West Middlesex, PA 16159. Representative: Michael P. Pitterich (same address as applicant). *Glass containers,* between Hartford and Dayville, CT, on the one hand, and, on the other, points in MI, for 180 days. An underlying ETA seeks 90 authority. Supporting shipper(s): Glass Containers Corp., Knox, PA 16232.

MC 107403 (Sub-2–15TA), filed March 27, 1980. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). *Coke Breeze, in bulk, in dump vehicles,* from points in IN, IL, KY, PA, WV and MI to Ironton, OH for 180 days. Supporting shipper(s): Ironton Coke Corporation, 11750 Chesterdale Road, Cincinnati, OH 45246.

MC 116763 (Sub-2–7TA), filed March 31, 1980. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative:

Gary J. Jira (same address as applicant). *Canned or preserved foodstuffs,* from the facilities of Heinz USA at or near Pittsburgh, PA to the facilities of Heinz USA at or near Jacksonville, FL and Grand Prairie, TX, and restricted to traffic originating at the named origin facilities and destined to the indicated destinations, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Heinz USA, Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, PA 15230.

MC 116763 (Sub-2–6TA), filed March 31, 1980. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira (same as applicant). (1) *Such commodities as are dealt in by manufacturers and distributors of small electric appliances* from facilities of Hamilton Beach at Washington, NC; Clinton, NC; Farmville, NC and Byesville, OH to points in the United States (except AK and HI), and (2) *Such materials, equipment and supply commodities as are dealt in by manufacturers and distributors of small electric appliances* from points in the United States (except AK and HI), to facilities of Hamilton Beach Division at Washington, NC; Clinton, NC; Farmville, NC and Byesville, OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Hamilton Beach Division, Scoville, Inc., P.O. Box 1158, Washington, NC 27889.

MC 61825 (Sub-2–6TA), filed March 31, 1980. Applicant: ROY STONE TRANSFER CORPORATION, V. C. Drive, P.O. Box 385, Collinsville, VA 24078. Representative: John D. Stone (same as applicant). (a) *Containers, glassware, container components and scrap materials* and (b) *Materials, equipment and supplies* used in the manufacture and distribution of the commodities named in (1) above (except commodities in bulk, in tank vehicles, and those which because of size or weight require the use of special equipment), between those 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 Midland Glass Co., Inc, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Midland Glass Company, Inc., P.O. Box 557, Cliffwood, NJ 07721.

MC 116763 (Sub-2–5TA), filed March 28, 1980. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira (same as applicant). *Paper, paper products and plastic articles and such equipment, materials and supplies* as are used in the manufacture and distribution of commodities named above (except commodities in bulk, in tank vehicles, and those which because of size or weight require the use of special equipment), Between the facilities of Erving Paper Mills, Inc., at or near LaGrange, GA on the one hand, and on the other, points in AL, AR, FL, KY, LA, MS, NC, SC, TN, TX, VA and WV, for 180 days. An underlying ETA seeks 90 days authority. Restricted to traffic originating at or destined to the facilities of Erving Paper Mills, Inc. Supporting shipper(s): Erving Paper Mills, Inc., Erving, MA 01344.

MC 67646 (Sub-86TA), filed August 13, 1979, originally published in the **Federal Register** of March 12, 1980. Applicant: HALL'S MOTOR TRANSIT CO., 6060 Carlisle Pike, Mechanicsburg, PA 17055. Representative: John E. Fullerton, 407 N. Front St., Harrisburg, PA 17101. *Common carrier;* regular routes: *General Commodities* (except those of unusual value, and except livestock, dangerous explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading) serving Medina, NY as an off-route point in connection with the carrier's presently authorized regular route operations, for 180 days. Applicant intends to tack authority sought herein with authority held under docket numbers MC 67647 and MC 8600. Supporting shipper: Fisher Price Toys, 636 Girard Ave., East Aurora, NY 14052. The purpose of this re-publication is to show the correct scope of authority which was previously published incorrectly.

MC 110563 (Sub-23TA), filed March 24, 1980. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, Sidney, OH 45365. Representative: Victor J. Tambasicia (same as applicant). *Fruit juice, dairy products, spring water,* from Flemington, NJ to points in IL, IN, MI, and OH. An underlying ETA seeks 90 days authority. Supporting shipper: Johanna Farms, Inc., P.O. Box 272, Flemington, NJ 08822.

MC 110525 (Sub-2–3TA), filed March 24, 1980. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 E. Lancaster Ave., Downington, PA 19335. Representative: Thomas J. O'Brien (same address as applicant). *Liquid chemicals, in bulk, in tank vehicles,* from Pasadena, TX to ports of entry between the U.S. and Mexico, for 180 days. Supporting shipper: Air Products and Chemicals, Inc., P.O. Box 538, Allentown, PA 18105.

MC 110525 (Sub-2–2TA), filed March 24, 1980. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 E. Lancaster Ave., Downington, PA 19335. Representative: Thomas J. O'Brien (same address as applicant). *Hexamethylamine diamine, in bulk, in tank vehicles* from Orange and Victoria, TX to Chattanooga, TN and Camden, SC, for 180 days. Supporting shipper(s): E. I. duPont de Nemours and Co., 1007 Market St., Wilmington, DE 19898.

MC 139464 (Sub-2–1TA), filed March 24, 1980. Applicant: BASS TRANSPORT, INC., Rte. 2, Box 64–A, Altavista, VA 24517. Representative: Frank B. Hand, Jr., P.O. Drawer C, Berryville, VA 22611. *Masonry surface coatings, binders and tape* from the facilities of Crist Masonry Products Co. near New Market, VA to Portland and Salem, OR and points in their commercial zones, for 180 days. Supporting shipper(s): Crist Masonry Products Co., P.O. Box 1047, Harrisonburg, VA 22801.

MC 8771 (Sub-2–4TA), filed March 26, 1980. Applicant: S M TRANSPORT, INC., P.O. Box 41, Camp Hill, PA 17011. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425-13th Street, N.W., Washington, DC 20004. *Pipe bending or cleaning machines* from Mendota, IL to points in the United States (except AK and HI). An underlying ETA seeks 90 days authority. Supporting shipper(s): Heico Inc, Mendota, IL 61342.

MC 138714 (Sub-2–2TA), filed March 26, 1980. Applicant: VIRGINIA TRANSPORTATION, INC., Box 26449, Richmond, VA 23261. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, NW, Washington, DC 20005. *Contract;* irregular: *newsprint paper* from the facilities of Bear Island Paper Co., Inc., located at or near Ashland, VA, to points in DE, MD, PA and DC, under a continuing contract(s) with Bear Island Paper Co., Inc., for 180 days. Supporting shipper: Bear Island Paper Co., Inc., 80 Field Point Rd., Greenwich, CT 06830.

MC 117760 (Sub-2–1TA), filed March 26, 1980. Applicant: FLOYD A. SCHEIB, INC., P.O. Box 528, 609 Main St., Hegins, PA 17938. Representative: John W. Dry, 541 Penn St., Reading, PA 19601. (1) *Clay,* in bags, from Claybourne, KY, and TN, to points in PA, NY and MA; (2) *Talc and Soap Stone,* in bags, from Gouverneur, NY, to points in PA, KY and TN. Supporting shippers: Kentucky-Tennessee Clay Co., P.O. Box 449, Mayfield, KY 42066; Gare, Inc., P.O. Box 1686, Haverhill, MA 01830.

MC 114569 (Sub-2–18TA), filed March 27, 1980. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins (same address as

applicant). *Machinery, equipment, and supplies.* From: Broadview, IL. To: Lumberton, NC. Supporting shipper(s): Elkay Manufacturing Co., 2700 S. 17th Ave., Broadview, IL 60153.

MC 146890 (Sub-2–4TA), filed March 26, 1980. Applicant: C & E TRANSPORT, INC., d.b.a., C. E. ZUMSTEIN CO., P.O. Box 27, Lewisburg, OH 45338. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St. NW, Washington, DC 20001. *Doors* from the facilities of Nicolai Co., at or near Portland and Springfield, OR to points in the U.S. (except AK, HI, and OR). An underlying ETA seeks 90 days authority. Supporting shipper: Nicolai Co., 1812 N. Columbia Blvd., Portland, OR 97217.

MC 47149 (Sub-2–1TA), filed March 24, 1980. Applicant: C. D. AMBROSIA TRUCKING CO., R. D. #1, Edinburg, PA 16116. Representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, PA 15219. *Coal,* in bulk, in dump vehicles, from Armstrong County, PA to points in OH, and those points in NY on and west of a line beginning at the PA–NY state line and extending over U.S. Hwy 11 to junction NY Hwy 13, and then over NY Hwy 13 to Lake Ontario. An underlying ETA seeks 90 days. Supporting shipper: Sharon Steel Corp., Carpentertown Coal & Coke Co., P.O. Box 291, Sharon, PA 16146.

MC 123255 (Sub-2–1TA), filed March 24, 1980. Applicant: B & L MOTOR FREIGHT, INC., 1984 Coffman Rd., Newark, OH 43055. Representative: C. F. Schnee, Jr. (same as applicant). *Air Filters* from the facilities of Dust Stop Corp. located in Columbus, OH, and points in the commercial zone of Columbus, OH, to points in CT, DE, IL, IN, KY, MD, MA, MI, MO, NJ, NY, PA, RI, WV, WI, DC, and Kansas City, KS commercial zone. An underlying ETA seeks 90 days authority. Supporting shipper: Dust Stop Corp., 2195 Broehm Rd., Columbus, OH 43207.

MC 150316 (Sub-2–1TA), filed March 25, 1980. Applicant: ROBERT M. HARRIS, an individual Star Rte., Box 134, Buckingham, VA 23921. Representative: Frank B. Hand, Jr., P.O. Drawer C, Berryville, VA 22611. *Contract carrier;* irregular route: (1) *Stone, stone products, and steel and aluminum sheets and products* from the facilities of Allen Morrison, Inc., of Lynchburg, VA to points in CA, CT, IN, ME, MA, MI, MN, NH, NJ, NY, OH, OR, PA, VT, WA, WV, and WI and (2) *Aluminum, cement, mortar, surface coatings, steel and cardboard* from points in (1) above to the facilities of Allen Morrison, Inc., at Lynchburg, VA, for 180 days, under a continuing contract(s) with Allen Morrison, Inc., Lynchburg, VA. Supporting shipper(s): Allen Morrison, Inc., Rutherford St. and Orchard St., Lynchburg, VA 24505.

MC 138000 (Sub-2–4TA), filed March 24, 1980. Applicant: ARTHUR H. FULTON, INC., P.O. Box 86, Stephens City, VA 22655. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *Malt beverages,* from Pabst (Houston County) GA, Peoria, IL, Newark, NJ and Milwaukee, WI including their respective commercial zones to points in SC, NC, VA, MD, DC, DE, IL, IN, OH, MI, KY, TN, NJ, WV, PA and WI. An underlying ETA seeks 90 days authority. Supporting shipper(s): Pabst Brewing Company, 917 W. Juneau Avenue, Milwaukee, WI 53201.

MC 147281 (Sub-2–1TA), filed March 24, 1980. Applicant: ROBERT G. WILLMENT AND EDWARD J. BLYZWICK, JR. d.b.a. KEYSTONE AIR FREIGHT EXPEDITING, 49 Warren St., Pittsburgh, PA 15205. Representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, PA 15219. *General commodities,* except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those which require the use of special equipment, between the Greater Pittsburgh International Airport in Allegheny County, PA on the one hand, and, on the other, John F. Kennedy International Airport and LaGuardia International Airport at or near New York, NY, Newark International Airport at or near Newark, NJ, Detroit Metropolitan Airport near Detroit, MI and Bradley International Airport near Hartford, CT. Restricted to the transportation of shipments having a prior or subsequent movement by air for 180 days. An underlying ETA seeks 90 days. Supporting shippers: Circle Airfreight Corp., Cargo Bldg. 2, Greater Pittsburgh International Airport Coraopolis, PA. 15108; McGregor Swire Air Services, Ltd. 117 McLaughlin Rd., Coraopolis, PA 15108; Burlington Northern Air Freight, Inc., 314 Moon Clinton Rd, Coraopolis, PA 15108; Airborne Freight Corp., 645 Moon Clinton Rd, Coraopolis, PA 15108.

MC 145773 (Sub-2–2TA), filed March 24, 1980. Applicant: KIRK BROS. TRANSPORTATION, INC., 800 Vandemark Rd., Sidney, OH 45365. Representative: A. Charles Tell 100 E. Broad St., Columbus, OH 43215. *Contract,* irregular: (1) *Household dishwashing machines; household dishwashing machine parts; household compactors; food processing equipment; computing scales; and commercial refrigerators,* from the facilities of Hobart Corporation in the states of AL, GA, IL, KS, KY, LA, MN, OH, PA, SC and UT to points in the U.S. (except AK and HI), and (2) *equipment, materials and supplies* used in the manufacture of the above described items (except commodities in bulk), in the reverse direction, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Hobart Corporation Troy, OH.

MC 4963 (Sub-2–10TA), filed March 24, 1980. Applicant: JONES MOTOR CO., INC., Bridge Street & Schuylkill Road, Spring City, PA 19475. Representative: William H. Peiffer (same as applicant). *Iron and steel articles, metals and metal products* between facilities of Oceana Corp. at or near Darlington, SC and 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 for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Oceana Corp., P.O. Box 273, Pawleys Island, SC 29585.

MC 3246 (Sub-2–2TA), filed March 24, 1980. Applicant: MASTERSON TRANSFER CO., INC., 3000 Pennsylvania Ave., Warren, PA 16365. Representative: Ronald W. Malin, Bankers Trust Bldg., Jamestown, NY 14701. *Plastic articles, wire, equipment, materials and supplies used or useful in the manufacture or distribution of plastic articles or wire (except commodities in bulk)* between the facilities of G.T.E. Products Corp. at Warren, PA, on the one hand, and, on the other, points in the U.S. (except points in Chautauqua, Cattaraugus and Erie Counties, NY), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: G.T.E. Products Corp., 816 Lexington Ave., Warren, PA 16365.

MC 133966 (Sub-2–1TA), filed March 25, 1980. Applicant: NORTH EAST EXPRESS, INC., P.O. Box 127, Mountaintop, PA 18707. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. and 13th St., NW, Washington, DC 20004. *Fibrous glass products and materials, mineral wool, mineral wool products and materials, insulated air ducts, flexible air ducts, insulating products and materials, glass fiber rovings, yarn and strands, glass fiber mats and mattings,* from the facilities of CertainTeed Products Corp., at or near Mountaintop, PA, to points in FL, IL, IA, LA, GA and TX. Supporting shipper: CertainTeed Products Corp., Box 860, Valley Forge, PA 19482.

MC 150452 (Sub-II–1TA), filed March 31, 1980. Applicant: CORONET FOODS, INC., 203 15th St., Wheeling, WV 26003. Representative: Michael D. Bromley, 805

McLachlen Bank Bldg., 666 11th St., NW, Washington, DC 20001. *Coffee, in packages,* from the facilities of Stanley W. Ferguson, Inc., Boston, MA, to Bridgeport, CT; Edison, NJ; Henrietta, NY; Bedford Hts., Dayton and Toledo, OH; and Aston, Carnegie and Quakertown, PA. An underlying ETA seeks 90 days authority. Supporting shipper: Stanley W. Ferguson, Inc., 365 C St., Boston, MA 02127.

MC 127100 (Sub-II–1TA), filed March 31, 1980. Applicant: B & B MOTOR LINES, INC., 911 Summit St., Toledo, OH 43624. Representative: Charles K. Boxell, 711 1st Fed. Plaza, Toledo, OH 43624. *Contract,* irregular: *Malt (beer and ale) beverages in containers* from Eden, NC to Toledo, OH, under a continuing contract with Metropolitan Distributing Co. An underlying ETA seeks 90 days authority. Supporting shipper: Metropolitan Distributing Co., 911 Summit St., Toledo, OH 43624.

MC 141572 (Sub-II–2TA), filed March 28, 1980. Applicant: COUNCILL HAULING, INC., 1447 Clay St., Franklin, VA 23851. Representative: Richard J. Lee, Suite 1222, 700 Bldg., 700 E. Main St., Richmond, VA 23219. *Contract,* irregular: *Meat meal in steamship containers* between Norfolk, VA and Sanford, NC. An underlying ETA seeks 90 days authority. Supporting shipper: United Protein, Inc., P.O. Box 1666, Sanford, NC 27330.

MC 148476 (Sub-II–2TA), filed March 24, 1980. Applicant: BLUE HEN LINES, P.O. Box 280, Milford, DE 19963. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Washington, D.C. 20005. *Contract;* irregular: *Bakers yeast, in vehicles equipped with mechanical regrigeration,* from E. Brunswick, NJ to points in PA, OH, IN, MI and IL. An underlying ETA seeks 90 days authority. Supporting shipper(s): Anheuser-Busch Companies, 721 Pestalozzi St., St. Louis, MO 63118.

MC 150421 (Sub-II–1TA), filed March 26, 1980. Applicant: CHARLES A. MENDOLA, d.b.a. C & M SERVICE CO., 2403 Horace Dr., Wilmington, DE 19808. Representative: Charles A. Mendola (same as above). *Automobile motors and tranmissions,* from Port of Philadelphia at or near Allegheny & Tioga Aves., Phila., PA, to Chrysler Assembly Plant, Newark, DE and General Motors Assembly Plant, Boxwood, Wilmington, DE. Supporting shipper: Chrysler Motors Corp., 550 S. College Ave., Newark, DE 19711.

MC 102616 (Sub-II–6TA), filed March 26, 1980. Applicant: COASTAL TANK LINES, INC., 250 N. Cleveland-Massillon Rd., Akron, OH 44313. Representative: David F. McAllister (same as applicant). *Dry talc, in bulk, in tank or hopper-type vehicles,* from Three Forks, MT to Worthington, OH. Supporting shipper(s): General Electric Corp., 6325 Huntley Rd., Worthington, OH 43085.

MC 141684 (Sub-II–1TA), filed March 27, 1980. Applicant: COMMAND CARGO CORPORATION, 7950 E. Baltimore St., Baltimore, MD 21224. Representative: Steven L. Weiman, Suite 145, 4 Professional Drive, Gaithersburg, MD 20760. *General Commodities,* (except articles of unusual value, classes A and B explosives, household goods, commodities in bulk, and commodities which because of size or weight require special equipment), between the facilities of Command Cargo Corporation at or near Savage, MD, on the one hand, and, on the other points in VA, MD, DE, WV, PA, and DC. Applicant intends to interchange at the facilities of Command Cargo Corporation at Savage, MD. Supporting shippers: There are eight supporting shippers. Their statements may be examined at the ICC office of Philadelphia, PA.

MC 116763 (Sub-2–3TA), filed March 28, 1980. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira (same as applicant). *Glass containers,* from the facilities of Midland Glass Co., Inc., at or near Cliffwood, NJ, Henryetta, OK, Shakopee, MN, Terre Haute, IN & Warner Robins, GA to points in the US in and east of MN, IA, MO, OK & TX, for 180 days. Restricted to traffic originating at the named origins & destined to the indicated destinations. Supporting shipper(s): Midland Glass Company, Inc., P.O. Box 557, Cliffwood, NJ 07721.

MC 119632 (Sub-II–5TA), filed March 28, 1980. Applicant: REED LINES, INC., 634 Ralston Ave., Defiance, OH 43512. Representative: Wayne C. Pence (same as applicant). *Foodstuffs, canned or preserved (except frozen or in bulk),* from the facilities of Heinz USA at or near Holland, MI to points in DE, MD, NJ, NY, PA east of US Hwy 220, VA, WV and DC. Restricted to traffic originating at the named facilities and destined to the name States for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Heinz USA Div., Box 57, Pittsburgh, PA 15230.

Mc 106557 (Sub-II–1TA), filed March 28, 1980. Applicant: PAMCO, INC., P.O. Box 926, Columbus, OH 43216. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. *Contract;* irregular: *Rendering products, by-products and hides* between Gallipolis, OH and Pittsburgh, PA, on the one hand, and, on the other, points in VA. Restricted to the transportation of shipments originating at or destined to the facilities of Inland-Ohio Hide, Inc. or Inland Products, Inc. for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Inland-Ohio Hide, Inc. & Inland Products, Inc., P.O. Box 926, Columbus, OH 43216.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7520, Atlanta, GA 30357.

MC 146993 (Sub-3–2TA), filed March 26, 1980. Applicant: Raymond L. Vaughan d.b.a. VAUGHAN CARTAGE COMPANY, P.O. Box 1798, LaGrange, GA 30241. Representative: C. E. Walker, P.O. Box 7381, Columbus, GA 31908. *General commodities, except commodities in bulk, in shipper or railroad-owned trailers, having prior or subsequent movement by railroad,* between railroad ramps located at Columbus, GA, on the one hand, and on the other, Heard, Troup, Fulton, Meriwether Counties, GA, and Randolph, Chambers, Lee, Tallapoosa Counties, AL. Also, like traffic between points in Muscogee County, GA, on the one hand, and, on the other, rail ramps located in Atlanta, GA. Supporting shipper: There are seven statements of support.

MC 114848 (Sub-3–1TA), filed March 31, 1980. Applicant: WHARTON TRANSPORT CORP., 1498 Channel Ave. P.O. Box 13068, Memphis, Tennessee 38113. Representative: James M. Wharton, President (same address as above). *Hydrated Lime,* from Fredonia, KY to Martin, TN. Supporting shipper: Southern Milling Co., 109 Lindell St., Martin, TN 38237.

MC 141652 (Sub-3–1TA), filed March 25, 1980. Applicant: ZIP TRUCKING CO., INC., P.O. Box 6126, Jackson, MS 39208. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. *Fresh Meat* from Plainview, TX to Metairie and New Orleans, LA, and Gulfport and Hattiesburg, MS. Supporting Shipper: Malone Properties, Inc. d.b.a. Western Sizzlin Steak House, 353 Courthouse Road, Gulfport, MS 39501.

MC 124117 (Sub-3–1TA), filed March 24, 1980. Applicant: Earl Freeman and Marie Freeman d.b.a. MID-TENN EXPRESS, P.O. Box 101, Eagleville, TN 37060. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219. *Beverages, related advertising materials, containers and pallets* between Perrysburg, OH and its commerical zone and points in GA. Supporting shipper: Stroh Brewery, 1 Stroh Dr., Detroit, MI 48226.

MC 115311 (Sub-3–4TA), filed March 27, 1980. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061. Representative: Kim G. Meyer, P.O. Box 872, Atlanta, GA 30301. (1) *Glass containers, closures, corrugated cartons* from the facilities of Brockway Glass Company, at or near Montgomery, AL to points in LA, OK, AR, MS, AL, GA, FL, SC, NC, TN, KY, VA and (2) *Pallets* in the reverse direction. Supporting Shipper: Brockway Glass Company, Inc., McCullough Ave., Brockway, PA 15824.

MC 150388 (Sub-3–1TA), filed March 24, 1980. Applicant: BOSS TRANSPORTATION CO., INC., 2511 Rosehaven, Germantown, Tennessee 38138. Representative: R. Connor Wiggins, Jr., Suite 909, 100 North Main Building, Memphis, Tennessee 38103. *Confectionery and confectionery products, except commodities in bulk,* (1) From the facilities of Schrafft Candy Company at or near Boston and Woburn, MA and West Reading, PA to points in AL, AR, AZ, CA, CO, FL, GA, IA, ID, IL, IN, KY, LA, MA, MN, MI, MO, MS, NC, ND, NE , NY, OH, OK, PA, SC, TN, TX, UT, VA and WI, except from Boston and Woburn, MA to points in MA and except from West Reading, PA to points in PA, and (2) From the facilities of Deran Confectionery Co., Inc. at or near Boston, MA to points in AZ, AR, CA, CO, ID, LA, MT, NV, NM, OK, OR, TX, UT, WA and WY. Supporting shipper: Deran Confectionery Co., Inc., 134 Cambridge Street, Cambridge, MA 02141. Schrafft Candy Company, Sullivan Square, Charlestown, MA 02129.

MC 107002 (Sub-3–4TA), filed March 27, 1980. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Mississippi 39205. Representative: Larry M. Ford, P.O. Box 1123, Jackson, MS 39205. *Asphalt, in containers,* from Lumberton, MS to points in LA. Supporting shipper: Southland Oil Company, P.O. Box 16668, Jackson, MS 39206.

MC 150423 (Sub-3–1TA), filed March 27, 1980. Applicant: SOUTHERN CONTAINER TRANSPORT, INC., 3306 Palm Island Road, Jacksonville, FL 32250. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *Beer, Empty Barrels, Drums, Kegs, Bottles, Cans and Pallets* between Jacksonville, FL on the one hand, and, on the other, Atlantia and Doraville, GA. Supporting shipper: Atlantic Beverage Company, 970 Jefferson Street, N.W., Atlanta, GA 30318.

MC 107002 (Sub-3–6TA), filed March 27, 1980. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Mississippi 39205. Representative: Larry M. Ford, P.O. Box 1123, Jackson, MS 39205. *Alcohol, in bulk, in tank vehicles,* from Decatur, IL to Greenville, MS and Vicksburg, MS. Supporting shipper: Lamar Refining Co., Box 500, Madison, MS 39110.

MC 147886 (Sub-3–2TA), filed March 24, 1980. Applicant: AM & M, INCORPORATED, P.O. Box 1627, Jackson, Tennessee 38301. Representative: R. Connor Wiggins, Jr., Suite 909, 100 North Main Building, Memphis, Tennessee 38103. (1) *Paper and plastic bags, rolls of wrapping paper and materials and supplies* used in the manufacture and packaging and distribution of paper bags (except commodities in bulk, in tank vehicles); from the plantsite of International Paper Co. at or near Jackson, Tennessee to points in the United States in and east of ND, SD, NE, KS, OK and TX; and (2) Materials and supplies used in the manufacture and distribution of commodities shown in (1) above (except commodities in bulk, in tank vehicles); From points in the United States in and east of ND, SD, NE, OK, KS and TX to the plantsite of International Paper Co. at or near Jackson, Tennessee. Supporting shipper: International Paper Company, 220 E. 42nd St., New York, NY 10017.

MC 107515 (Sub-3–7TA), filed March 24, 1980. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, Esq., Serby & Mitchell, P.C., 3390 Peachtree Road, N.E., 5th Floor—Lenox Towers South, Atlanta, GA 30326. *Lighting Fixtures and/or parts therefor* from Chattanooga, TN to points in the US (except AK and HI) for 180 days. Supporting shipper: Lithonia Lighting, Div. of National Service Industries, Inc., P.O. Box H—1400 Lester Road, Conyers, GA 30207.

MC 143639 (Sub-3–1TA), filed March 24, 1980. Applicant: SMITH AND SMITH, INC., 4361 Headquarters Road, Charleston Heights, SC 29405. Representative: Frank A. Graham, Jr., Attorney at Law, 707 Security Federal Building, Columbia, SC 29201. *Slag* from points in Charleston County, SC to points in Burke County, NC. Supporting shipper: Coastal Mining Corp., P.O. Box 247, Summerville, SC 29483.

MC 149006 (Sub-3–1), filed March 31, 1980. Applicant: H. D. DILL AND SONS LUMBER COMPANY, P.O. Box 302, Linden, TN 37096. Representative: Winston S. Evans, 18th Floor, Third National Bank Bldg., Nashville, TN 37219. *Wooden crossties,* from points in TN on and west of I–65 (except Dickson, Hickman, Humphreys, Lawrence, Lewis, Perry, Wayne and Williamson Counties) to Terre Haute, IN. Supporting shipper: Western Tar Products Corporation, P.O. Box 270, Terre Haute, IN 47808.

MC 150140 (Sub-3–2TA), filed March 24, 1980. Applicant: FAR WEST PRODUCE EXCHANGE, INC., P.O. Box 37, 315 First Avenue, Forest Park, GA 30050. Representative: Alan E. Serby, Esq., 3390 Peachtree Road, N.E., 5th Floor—Lenox Towers South, Atlanta, GA 30326. *Contract: Lighting fixtures and/or parts therefor* from Chattanooga, TN to points in AZ, CA, NM, NV, OR and WA for 180 days. Supporting shipper: Lithonia Lighting, div. of National Service Industries, Inc., P.O. Box H—1400 Lester Road, Conyers, GA 30207.

MC 106074 (Sub-3–5TA), filed March 26, 1980. Applicant: B AND P MOTOR LINES, INC., Shiloh Road and U.S. Hwy 221 S., Forest City, NC 28043. Representative: Clyde W. Carver, Attorney, P.O. Box 720434, Atlanta, GA 30328. *Frozen foods* from San Antonio, TX to Atlanta, GA; Chicago, IL; Denver, CO; Fullerton, CA; Kansas City, KS; Kansas City, MO; Secaucus, NJ; and Tampa, FL; and points in their commercial zones. Supporting shipper: R. J. Reynolds Foods, Inc., P.O. Box 3037, Winston-Salem, NC 27102.

MC 114334 (Sub-3–2TA), filed March 26, 1980. Applicant: BUILDERS TRANSPORTATION COMPANY, 3710 Tulane Road, Memphis, TN 38116. Applicant's Representative: Dale Woodall, 900 Memphis Bank Building, Memphis, TN 38103. *Concrete roofing tile and accessories* from the facilities of National Tile Industries, Inc., located in Pottawatomie County, OK to points in AL, GA, IL, KY, LA, MS, MO, NC, SC and TN. Supporting shipper: National Tile Industries, Inc., 706 West Independence, Shawnee, OK 74801.

MC 2473 (Sub-3–3TA), filed March 24, 1980. Applicant: BILLINGS TRANSFER CORP., INC., Green Needles Road, Lexington, NC 27292. Representative: Homer M. Curry, Green Needles Road, Lexington, NC 27292. *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 New York, NY and points within 20 miles of New York, NY; points in that part of PA on, south and east of a line beginning at Easton and extending along U.S. Highway 22 to Harrisburg and thence along the Susquehanna River to the PA–MD State Line; points in New Jersey and Baltimore, MD, to points in NC and SC (except those in Forsyth, Guilford, Davidson and Stokes Counties,

NC and points in NC and SC within 100 miles of the named NC counties). Supporting shippers: G. B. Goldman Paper Co., 2201 E. Allegheny Ave., Philadelphia, PA 19134; Mobil Oil Corp., 150 E. 42nd St., New York, NY 10017.

MC 138157 (Sub-3–11TA), filed March 17, 1980. 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. *Merchandise sold in and distributed by paint, hardware and home improvement center stores, and materials, equipment and supplies used in the manufacture, sale and distribution of the above-named commodities,* from Oakland, CA to points in TX, AL, MS, OK, GA, NC, LA, FL, and TN. Applicant holds contract carrier authority in MC 134150 and subs thereunder, therefore, dual operations may be involved. Supporting shipper: The Flecto Company, Inc., 1000—45th Street, Oakland, CA 94608.

MC 147886 (Sub-3–3TA), filed March 27, 1980. Applicant: A M & M, INCORPORATED, P.O. Box 1627, Jackson, Tennessee 38301. Representative: R. Connor Wiggins, Jr., Suite 909, 100 North Main Building, Memphis, Tennessee 38103. (1) *Foam cushion material, and related packaging accessories,* from facilities of Inter-Pac Packaging Corp. at Memphis, TN to points in AL, GA, KY, LA, MS, NC, OH, SC and VA; and (2) *plastic foam pellets or powder,* from Midland, MI to facilities of Inter-Pac Packaging Corp. at Memphis, TN; and (3) *plastic forms, planks, shapes and boards* from Hanging Rock, OH to Inter-Pac Packaging Corp. facilities at Memphis, TN. Supporting shipper(s): Inter-Pac Packaging Corp., 1750 Transport Ave., Memphis, TN 38116.

MC 150333 (Sub-3–2TA), filed March 17, 1980. Applicant: KNOX CARTAGE COMPANY, INC. 2335 Texas Ave., Knoxville, TN 37921. Representative: Timothy McGhee (same address as applicant). *General commodities (except household goods, Classes A and B explosives, and commodities which because of size and weight require special equipment)* between points in Anderson, Blount, Cocke, Hamblen, Jefferson, Knox, Louden, McMinn, Roane, and Sevier Counties, TN. Restriction: restricted to traffic having a prior or subsequent movement by rail. Supporting shipper: there are 9 statements of support.

MC 147547 (Sub-3–1TA), filed March 17, 1980. Applicant: R & D TRUCKING CO., INC., Church Rd., Lauderdale Industrial Park, Florence, AL 35630. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219. *Needles, syringes and hospital supplies* from the facilities of Sherwood Medical Industries at or near Norfolk, NE to Dallas, TX and its commercial zone. Supporting shipper: Brunswick Corp., One Brunswick Plaza, Skokie, IL 60077. Dual operations may be involved.

MC 144026 (Sub-3–4TA), filed March 13, 1980. Applicant: WILLIAMS CARTAGE COMPANY, INC., P.O. Box 897, Hartsville, SC 29550. Representative: Robert L. McGeorge, 2550 M Street, N.W., Suite 520, Washington, DC 20037. *Iron and steel articles* between points in the states of AL, AZ, AR, CA, CO, CT, DE, DC, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, and WY under continuing contracts with DuBose Steel, Inc. Supporting shipper: DuBose Steel, Inc., P.O. Box 1098, Roseboro, NC 28382.

MC 150170 (Sub-3–2TA), filed March 20, 1980. Applicant: METRO SALES CORP., 1921 W. 1st Street, P.O. Box 1861, Sanford, FL 32771. Representative: Timothy C. Miller, Suite 301, 1307 Dolley Madison Boulevard, McLean, VA 22101. (1) *Such commodities as are dealt in by retail and wholesale nurseries and garden shops* (except in bulk), (2) *materials and supplies used in the manufacture and distribution of the commodities in* (1) above (except in bulk), and (3) *commodities, the transportation of which are otherwise exempt from economic regulation* under 49 U.S.C. § 10526(a)(6) (formerly § 203(b)(6) of the Interstate Commerce Act) in mixed shipments with commodities limited in (1) and (2) above (except in bulk), between points in and east of ND, SD, NE, KS, OK and TX. Supporting shipper(s): Carcon, Inc., P.O. Box 367, Hialeah, FL 33010 and Deco Plants Company, a Division of Ralston Purina Company, 2525 South Park Avenue, Apopka, FL 32703.

MC 144041 (Sub-3–2TA), filed March 27, 1980. Applicant: DOWNS TRANSPORTATION CO., INC., P.O. Box 465, Conyers, GA 30207. Representative: Mark S. Gray, P.O. Box 872, Atlanta, GA 30301. (1) *Feminine hygiene products and toilet preparations* and (2) *materials, supplies and equipment used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk),* between New York City, NY (and its commercial zone) on the one hand, and, on the other, Benson, Dunn, and Raleigh, NC. Supporting shipper(s): Chicopee, P.O. Box 1151, New Brunswick, NJ 08901 and Personal Products Company, Van Liew Ave., Milltown, NJ 08850.

MC 150387 (Sub-3–1TA), filed March 28, 1980. Applicant: ARRENDALE TRUCKING, INC., Highway 441, South, P.O. Box 193, Clarkesville, Georgia 30523. Representative: Joe T. Taylor, III, McClain, Mellen, Bowling & Hickman, 300 Peachtree Center South, Atlanta, Georgia 30303. *Carpeting, floor covering, carpet padding, rugs; materials, supplies and equipment used in the installation and manufacturing of carpet or rugs,* from Murray County, Georgia to points in the U.S. in and east of ND, SD, NE, KS, OK and TX (except FL, NC and SC) and return. Supporting shipper(s): There are seven (7) statements in support.

The following applications were filed in Region 4. Send protests to: ICC, Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, IL 60604.

Republication, Originally Published in Issue of March 11, 1980

MC 51146 (Sub-4–819TA), filed December 19, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew Reid (same address as applicant). *Animal, fish, and poultry feed,* from Richmond, IN to points in NJ, MA (except Boston), NY (except Central Islip, Staten Island, Ronkokoma, and Stone Ridge), CT, DE, MD (except Baltimore and Walkersville), VT, ME, NH, and RI. An underlying ETA seeks 90 days authority. Supporting shipper: Ralson Purina Company, Checkerboard Square, St. Louis, MO 63130.

MC 30837 (Sub-4–486TA), filed December 26, 1979. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4314—39th Ave., Kenosha, WI 43142. Representative: Paul Sullivan, 711 Washington Bldg., NW, Washington, D.C. 20005. *Automobiles and trucks, in secondary movements, in truckaway service,* from Ports of Entry at Baltimore, MD and Port Neward, NJ to points in IL, IN, MI, MN, OH, and WI, restricted to the transportation of Renault vehicles manufactured or assembled in France. An underlying ETA seeks 90 days authority. Supporting shipper: American Motors Corporation, 14250 Plymouth Rd., Detroit, MI 48232.

MC 35628 (Sub-4–2), filed March 26, 1980. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, P.O. Box 175, 110 Ionia Avenue, N.W., Grand Rapids, Michigan 49501. Representative: Michael P. Zell, Vice President-General Counsel, Interstate Motor Freight System, 110 Ionia Avenue, N.W., Grand Rapids, Michigan 59501. *Such commodities as*

are dealt in by wholesale, retail and chain grocery and food business houses and commodities used in the manufacture, sale and distribution of the commodities listed above between the facilities of Hunt-Wesson Foods, Inc. at or near Memphis, TN on the one hand, and, Springfield, Mountain Grove, and W. Plains, MO on the other. Supporting shipper: Hunt-Wesson Foods, P.O. Box 61770, New Orleans.

MC 124078 (Sub-4–12TA), filed March 25, 1980. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. *Ground limestone,* in bulk, in tank vehicles, from Gantt's Quarry, AL to No. Canton, OH, for 180 days. Supporting shipper: Georgia Marble Company, 2575 Cumberland Parkaway, NW, Atlanta, GA 30339.

MC 124078 (Sub-4–13TA), filed March 25, 1980. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. *Flour,* in bulk, from Teutopolis, IL to IN, IA, KS, KY, MO, MN & WI, for 180 days. Supporting shipper: Siemer Milling Company, Teutopolis, IL.

MC 114606 (Sub-4–2TA), filed March 14, 1980. Applicant: S. F. DOUGLAS TRUCK LINE, INC., 587 S.W. First Street, New Brighton, MN 55112. Representative: Samuel Rubenstein, Post Office Box 5, Minneapolis, MN 55440. *Sugar, in bags,* from Crookston and Moorhead, MN, to Manawa, WI, for 180 days. Supporting shipper: American Crystal Sugar Company, Moorhead, MN 56560.

MC 125708 (Sub-4–7TA), filed March 24, 1980. Applicant: THUNDERBIRD MOTOR FREIGHT LINES, INC., 425 W. 152nd Street, East Chicago, IN 46312. Representative: Anthony C. Vance, Esq., 1307 Dolley Madison Blvd., McLean, VA 22101. (1) *Farm equipment, parts and supplies therefor,* from Lenox, IA, to OH, NE, MN, SD, and IL, and (2) *materials, supplies, parts, and equipment used in the production of farm equipment* from Arthur, IL, St. Joseph, MO, Fargo, ND, and Sioux Falls, SD, to Lenox, IA, (1) and (2) *restricted* to traffic originating at or destined to the facilities of Tote Co. at Lenox, IA. Supporting shipper: Tote Co., Dallas and Walnut Streets, Lenox, IA 50851.

MC 136278 (Sub-4–2), filed March 10, 1980. Applicant: TRUCKWAY SERVICE, INC., 1099 Oakwood Blvd., Detroit, Michigan 48217. Representative: James R. Stiverson, 1396 West Fifth Avenue, Columbus, Ohio 43212. *Lime and dead burned dolomite,* from Maple Grove, OH, to Ashland, KY for 180 days. Supporting shipper: Basic Incorporated, 845 Hanna Bldg., Cleveland, OH 44115.

MC 124078 (Sub-4–11TA), filed March 25, 1980. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. *Salt Cake,* from Baltimore, MD to West Point, VA, for 180 days. Supporting shipper: The Chesapeake Corp. of VA, Box 311, West Point, VA 23181.

MC 82079 (Sub-4–1TA), filed February 6, 1980. Applicant: KELLER TRANSFER LINE, INC., 5635 Clay Avenue SW, Grand Rapids, MI 49508. Representative: Edward Malinzak, 900 Old Kent Building, Grand Rapids, MI 49503. *Such merchandise as dealt in by wholesale, retail and chain grocery and food business houses and in connection therewith, materials and supplies used in the conduct of such businesses* from the facilities of Fostoria Distribution Services Co. at or near Fostoria, OH to points in MI. Supporting shipper: Fostoria Distribution Services Co., Fostoria, OH 44830.

MC 138896 (Sub-4–2TA), filed March 6, 1980. Applicant: AJAX TRANSFER COMPANY 550 East 5th Street South, South St. Paul, MN 55075. Representative: Randy Busse, Traffic Manager (Address same as applicant). *Such commodities as are handled by retail grocery stores, drug stores, hardware stores, department stores; Chemicals, (except in bulk),* from St. Paul, MN to points in MN, SD, WI and Baraga, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Marquette, Menominee and Ontonagon Counties, MI. Restricted to traffic having prior or subsequent movement in interstate commerce. Supporting shipper: Lawrence Vitek, Central Warehouse Company, 739 Vandalia, St. Paul, MN 55114.

MC 138896 (Sub-4–1TA), filed March 12, 1980. Applicant: AJAX TRANSFER COMPANY 550 East 5th Street South, South St. Paul, MN 55075. Representative: Randy Busse, Traffic Manager, 550 East 5th Street South, South St. Paul, MN 55075. *Such commodities as are sold by retail stores, drug stores and department stores; materials, equipment and supplies used in the manufacture of such commodities;* (1) from Minneapolis and Chaska, MN to points in IA, MN, ND, SD, WI and the upper peninsula of MI. (2) From Milwaukee, WI and Winona, MN to Chaska, MN. Restricted to traffic having prior or subsequent movement in interstate commerce. Supporting shipper: Minnetonka, Inc., Box 1A, Minnetonka, MN.

MC 51146 (Sub-4–25TA), filed March 13, 1980. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid, Jr. (same address as applicant). *Bakery mixes, bags of edible flour, icings, jellies, and such commodities as are dealt in, or used by, bakeries* from Chicago and Wheeling, IL to Burnsville, MN. An underlying ETA seeks up to 90 days authority. Supporting shipper: J. W. Allen Company, 110 N. Peoria, Chicago, IL 60607

MC 51146 (Sub-4–28TA), filed March 17, 1980. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid, Jr. (same address as applicant). *Clay, brick, and tile products* from points in the US (except AK and HI) to points in WI. An underlying ETA seeks up to 90 days authority. Supporting shipper: Hockers Bros. Brick & Tile Company, Inc., 2870 S. Broadway, Green Bay, WI 54306.

MC 51146 (Sub-4–27TA), filed March 12, 1980. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid, Jr. (same address as applicant). *Such commodities as are dealt in, or used by, manufacturers and distributors of laminated plastic and wood products* between the facilities of Fiberesin Industries, Inc. at Ashippun and Oconomowoc, WI on the one hand, and, on the other, points in the U.S. (except AK and HI). An underlying ETA seeks up to 90 days authority. Supporting shipper: Fiberesin Industries, Inc., P.O. Box 88, Oconomowoc, WI 53066.

MC 148428 (Sub-4–1TA), filed March 13, 1980. Applicant: BEST LINE, INC., P.O. Box 765, Hopkins, MN 55343. Representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. (1) *Such merchandise as is distributed as premiums and gifts;* and (2) *material, equipment and supplies used by premium fulfillment houses;* between the facilities of the Maple Plain Company at Howard Lake, Litchfield, Maple Plain and Watertown, MN and Portland, OR, on the one hand, and, on the other, Little Rock, AR, Los Angeles and San Francisco, CA, Denver, CO, Jacksonville, FL, Atlanta, GA, Chicago, IL, Des Moines, IA, Lexington, KY, New Orleans, LA, Worchester, MA, Detroit, MI, Kansas City and St. Louis, MO, Syracuse, NY, Charlotte, NC, Cleveland, OH, Philadelphia and Pittsburgh, PA, Memphis, and Nashville, TN, Dallas and

Houston, TX, Seattle, WA and Milwaukee, WI. Supporting shipper: The Maple Plain Co., One Industry Drive, Maple Plain, MN 55359.

MC 118806 (Sub-4–2TA), filed March 11, 1980. Applicant: ARNOLD BROS. TRANSPORT LTD., 851 Lagimodiere Blvd., Suite 200, Winnipeg, Manitoba, CN R2J 3K4. Representative: Bernard J. Kompare, Esq., Sullivan & Associates, Ltd., Suite 160, 10 S LaSalle St., Chicago, IL 60603. *Soybean meal,* From Mankato, Savage and Dawson, MN, to the ports of entry on The International Boundary Line between the U.S. and Canada, located at Noyes, MN, and Pembina, ND. Restriction: Restricted to the transportation of traffic moving in foreign commerce. Supporting shipper: The Pillsbury Company, 7900 Xerxes Ave., Bloomington, MN 55431.

MC 110988 (Sub-4–14TA), filed March 17, 1980. Applicant: SCHNEIDER TANK LINES, INC., 4321 W. College Avenue, Appleton, WI 54911. Representative: Matthew J. Reid, Jr., P.O. Box 2298, Green Bay, WI 54306. *Tanning extract* from points in MA to Milwaukee, WI. Supporting shipper: Chemtan Company, Inc., P.O. Box C, Exeter, NH 03833.

MC 118696 (Sub-4–8TA), filed March 10, 1980. Applicant: FEREE FURNITURE EXPRESS, INC., 252 Wildwood Road, Hammond, IN 46234. Representative: John F. Wickes, Jr., 1301 Merchants Plaza, Indianapolis, IN 46204. *Paper and paper products,* from the facilities of Gilman Paper Company at or near Hazelwood, MO to points in IA, NE, WI, IL, KY, IN, OH, and MI. Supporting shipper: H. L. Bryan, Gilman Paper Company, Box 520, St. Marys, GA 31158.

MC 135598 (Sub-2TA), filed February 19, 1980. Applicant: SHARKEY TRANSPORTATION, INC., 3803 Dye Road, Quincy, IL 62301. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603. *Cleaning, scouring and washing compounds in containers* from Plano, IL, to Atlanta, GA; Jackson, MS; Ft. Madison, IA, Kansas City & St. Louis, MO; Cincinnati, Painesville & Fostoria, OH; and Detroit, MI. Supporting shipper: American Cyanamid Company, Inc., Berdan Avenue, Wayne, N.J. 07470.

MC 51146 (Sub-4–26TA), filed March 17, 1980. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid, Jr. (same address as applicant). *Automobile parts and equipment, materials, supplies, and related articles* used in the manufacture, production, and assembly of motor vehicles between the facilities of General Motors Corporation at Janesville, WI and points in MI, OH, IL, IN, NY, and MO. Supporting shipper: General Motors Corporation, Suite 1300, Top of Troy, 755 W. Big Beaver Road, Troy, MI 48084.

MC 76266 (Sub-4–2TA), filed March 14, 1980. Applicant: ADMIRAL-MERCHANTS MOTOR FREIGHT, INC., 215 South 11th Street, Minneapolis, Minnesota 55403. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minnesota 55118. *Such merchandise* as is dealt in by wholesale and retail hardware stores except commodities in bulk and foodstuffs, between the facilities of Farwell Ozman Kirk & Company at or near South St. Paul, MN and Russellville, AR, on the one hand, and on the other, points in and east of AR, CO, NE, ND, OK, SD and TX. Supporting shipper: Farwell Ozman Kirk & Co., 411 Farwell Avenue, South St. Paul, MN 55075.

MC 145818 (Sub-4–1TA), filed March 17, 1980. Applicant: AMERICAN TRANSPORT, INC., 305 East 14th St., Sioux Falls, SD 57102. Representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, OK City, OK 73106. *Contract,* irregular, (1) *Farm Grain Bins,* and *Buildings, Aeration, Auguring Equipment,* (2) *Equipment, Materials, Supplies* and *Pipe* used in the manufacture and assembly of articles listed in (1) above, between points in SD, ND, IA, MN, WI, IL, IN, MO, AR, LA, TX, OK, KS, NE, NM, CO, WY, and MT. Restricted to transportation performed for Agra Sun Systems, Inc. and Wholesale Farm Supply. Supporting shippers: Agra Sun Systems, Inc. and Wholesale Farm Supply. 4915 N. Lincoln Blvd, Oklahoma City, OK.

MC 117068 (Sub-4–3TA), filed March 19, 1980. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., P.O. Box 6418, North Highway 63, Rochester, MN 55901. Representative: Richard C. McGinnis, 711 Washington Building, Washington, DC 20005. *Industrial and irrigation system power units,* from the facilities of White's Inc., at Houston, TX, to Memphis, TN, Garden City, KS, Aurora and Hastings, NE. Supporting shipper: White's Inc., P.O. Box 2344, Houston, TX 77001.

MC 118846 (Sub-4–1TA), filed March 12, 1980. Applicant: DALE JESSUP, INC., RR 1, Camby, IN 46113. Representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, IN 46204. *Contract carrier:* irregular routes: *Steel chain, machine finished, sprocketed or belting,* from the facilities of Diamond Chain Co., a Div. of Amsted Industries, Indianapolis, IN to points in GA, TX, CA and AL. An underlying ETA seeks 90 days authority. Supporting shipper: Diamond Chain Company, P.O. Box 7045, 402 Kentucky Avenue, Indianapolis, IN 46207.

MC 150326 (Sub-4–2TA), filed March 18, 1980. Applicant: WILLIAM KNOLL, d.b.a. K & D TRUCKING, 1326 North Elm Street, Fargo, ND 58102. Representative: James B. Hovland, Suite M–20, 400 Marquette Avenue, Minneapolis, MN 55402. *Contract carrier:* irregular routes: *Beet pulp shreds, in bulk,* from the facilities of American Crystal Sugar Company at or near Drayton, MD to the facilities of Ralston Purina Company at Minneapolis, MN. Supporting shipper: Ralston Purina Company, 3801 Hiawath Avenue South, Minneapolis, MN 55406.

MC 150248 (Sub-4–1TA), filed March 18, 1980. Applicant: BERNIE BERGER, d.b.a. BERGER BROS. TRUCKING, Box 20, Rural Route 4, Mandan, ND 58554. Representative: William J. Gambucci, Suite M–20, 400 Marquette Avenue, Minneapolis, MN 55402. *Honed steel tubing,* from Muscoda, WI to Rugby, ND. Supporting shipper: Rugby Hydraulic Co., Rural Route 1, Box 10, Rugby, ND 58368.

MC 51146 (Sub-4–29TA), filed March 21, 1980. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid, Jr. (same address as applicant). *Such commodities as are dealt in, or used by, manufacturers and distributors of home appliances and lawn and garden equipment* from Amana, IA; Indianapolis and Hobart, IN; Syracuse, NY; Fort Worth, TX; Atlanta, GA; and Galesburg, IL to the facilities of Roth Corporation at Milwaukee, WI. Applicant has also filed an underlying ETA seeking up to 90 days operating authority. Supporting shipper: Roth Corporation, 11925 W. Carmen Avenue, Milwaukee, WI 53225.

MC 110988 (Sub-4–15TA), filed March 21, 1980. Applicant: SCHNEIDER TANK LINES, INC., 4321 W. College Avenue, Appleton, WI 54911. Representative: Matthew J. Reid, Jr., P.O. Box 2298, Green Bay, WI 54306. *Inedible animal tallow, fats, grease, and fatty acides* from Philadelphia, PA to points in OH, IN, MI, IL, WI, MO, IA, MN, and KY, for 180 days. Supporting shipper: Jacob Stern & Sons, Inc., 910 Benjamin Fox Pavilion, Jenkintown, PA 19046.

MC 145078 (Sub-4–3TA), filed March 19, 1980. Applicant: RAYMOND SEMRAU 904 Miller Street, Marinette, WI 54143. Representative: Daniel R. Dineen, 710 N. Plankinton Avenue, Milwaukee, WI 53203. *Cheese and cheese products* (1) from Lena, WI to Big Stone City, SD, Denver, CO, Salt Lake City, UT, Las Vegas, NV, and points in CA (except Maywood, CA); and (2) from Big Stone City, SD, to Denver, CO, Salt

Lake City, UT, Las Vegas, NV, and points in CA under a continuing contract with Frigo Cheese Corp., of Lena, WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Frigo Cheese Corp., Lena, WI 54139.

MC 125708 (Sub-4–6TA), filed March 20, 1980. Applicant: THUNDERBIRD MOTOR FREIGHT LINES, INC., 425 W. 152nd Street, East Chicago, IN 46312. Representative: Anthony C. Vance, Esq., 1307 Dolly Madison Blvd., McLean, VA 22101. *Steel sheet and steel coils* (1) from Birmingham, AL, to GA, SC, FL, TN, NC, AR, and LA, and (2) from New Orleans, LA, Nashville, TN and Charleston, SC, to Birmingham, AL. Restricted to traffic originating at or destined to Metals, Inc., Birmingham, AL. Supporting shipper: Metals, Inc., P.O. Box 5506, Birmingham, AL 35207.

MC 147876 (Sub-4–3TA), filed March 11, 1980. Applicant: SHAY COMPANY, INC., P.O. Box 2081, Clarksville, IN 47130. Representative: Ralph B. Matthews, P.O. Box 872, Atlanta, GA 30301. *Paper and paper products,* from Leitchfield, KY to WA, CA, NV, ID, MT, WY, UT, AZ, CO, LA, TX, and NM for 180 days. Supporting shipper: Port Huron Paper Company, Port Huron, MI.

MC 150408 (Sub-4–1TA), filed March 20, 1980. Applicant: W. A. LASCODY, R.R. #1, Box 22, Riverton, IL 62561. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701. *Manganese dioxide waste, in bulk* from facilities of Mobay Chemical Corporation, Agricultural Chemicals Division at Kansas City, MO to Ozark, AL, Walnut Ridge, AR, Quincy, Springfield, and Rose Claire, IL. An underlying ETA seeks 90 days authority. Supporting shipper: Mobay Chemical Corporation, Agricultural Chemicals Division, P.O. Box 4913, Kansas City, MO 64120.

MC 148646 (Sub-4–1TA), filed March 26, 1980. Applicant: BECKSTROM ENTERPRISES, INC., P.O. Box 56, Gwinner, ND 58040. Representative: William J. Gambucci, Suite M–20, 400 Marquette Avenue, Minneapolis, MN 55402. *Contract carrier,* irregular routes: (1) *Steel grain bins, knocked down or in sections, parts and attachments therefor,* from Kansas City, MO to points in MN on and west of U.S. Hwy 71 and ND on and east of U.S. Hwy 281; and (2) *steel buildings knocked down or in sections, parts and attachments therefor,* from Galesburg, IL to points in MN on and west of U.S. Hwy 71 and ND on and east of U.S. Hwy 281. Restricted to the transportation of traffic under a continuing contract or contracts with Farm Builders, Inc. Supporting shipper: Farm Builders, Inc., Highway 82 South, Fargo, ND 58103.

MC 141138 (Sub-4–1TA), filed March 20, 1980. Applicant: STEVE SCHRANZ TRUCKING, INC., 350 Honeysuckle Ln., Belleville, IL 62221. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. *Wheat middlings,* in bulk, from Chester, IL, to Memphis, TN. An underlying ETA seeks 90 days authority. Supporting shipper: Allied Mills, Inc., 2205 Lamar Ave., Memphis, TN 38114.

MC 51146 (Sub-4–30TA), filed March 26, 1980. Applicant: SCHARIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid, Jr. (same address as applicant). *Such commodities as are dealt in, or used by, manufacturers and distributors of air vents* from Clinton, IA to Richmond, VA; Charlotte, NC; Baltimore, MD; Elizabeth, NJ; Canton, MA; Syracuse and Albany, NY; Philadelphia, PA; and points in WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Air Vent, Inc., 1710 S. 21st, Clinton, IA 52732.

MC 76266 (Sub-4–3TA), filed March 28, 1980. Applicant: ADMIRAL MERCHANTS MOTOR FREIGHT, INC., 215 South 11th Street, Minneapolis, MN 55403. Representative: Robert P. Sack, P.O. Box 6010, W. St. Paul, MN 55118. *Plastic materials, plastic articles, plastic pipe, tubing, fittings and connections* and (2) *materials, supplies and accessories used in the manufacture and installation thereof* (except in bulk in tank vehicles). Restricted to traffic originating or destined to the facilities of Robintech, Inc. between the facilities of Robintech, Inc. at or near Grinnell, IA and points in the U.S. except AK and HI and IA. Supporting shipper: Robintech, Inc., P.O. Box 2342, Ft. Worth, TX 76113.

MC 118696 (Sub-4–10TA), filed March 28, 1980. Applicant: FERREE FURNITURE EXPRESS, INC., 252 Wildwood Road, Hammond, IN 46234. Representative: John F. Wickes, Jr., 1301 Merchants Plaza, Indianapolis, IN 46204. *Heating and air conditioning units and component parts,* from the facilities of Heil-Quaker Corporation at or near Nashville, TN, to points in IL, IN, IA, KY, MI, MO, OH, WV, and WI. Supporting shipper: Joe Malone, Heil-Quaker Corporation, National Distribution Center, 714 Heil-Quaker Blvd., Lavergne, TN 37086.

MC 118696 (Sub-4–11TA), filed March 27, 1980. Applicant: FERREE FURNITURE EXPRESS, INC., 252 Wildwood Road, Hammond, IN 46324. Representative: John F. Wickes, Jr., 1301 Merchants Plaza, Indianapolis, IN 46204. (1) *Urethane foam and foam products,* from the facilities of United Foam Corporation at or near Bremen, IN; Allentown, PA; Louisville, KY and Franklin, NJ, to points in and east of ND, SD, NE, KS, OK and TX; and (2) *materials, equipment and supplies used in the manufacture, sale and distribution of urethane foam and foam products,* from Chicago, IL and Allentown, PA, to the facilities of United Foam Corporation at or near Bremen, IN. Supporting shipper: United Foam Corporation, 1111 W. Dewey St., Bremen, IN 46506.

MC 148308 (Sub-4–1TA), filed March 27, 1980. Applicant: ROTRANSCO, INC., 6135 West 65th Street, Chicago, IL 60638. Representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, IL 60603. *Contract carrier:* Irregular routes: *Automobile parts and accessories therefor;* between the facilities of Toyota Motor Distributors U.S.A., Inc., at Carol Stream, IL, on the one hand, and, on the other, points in IL, IN, WI, and MN. Restricted to transportation under contract or contracts with Toyota Motor Distributors U.S.A., Inc. An underlying ETA seeks 90 days authority. Supporting shipper: Toyota Motor Distributors U.S.A., Inc., 500 Kehoe Boulevard, Carol Stream, IN 60187.

MC 148499 (Sub-4–1TA), filed March 17, 1980. Applicant: H & A EXPRESS, INC., 209 Anderson St., Holmen, WI 54636. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. Glass containers, from Plainfield, IL to LaCrosse, WI. Supporting shipper: G. Heileman Brewing, 100 Harborview Plaza, LaCrosse, WI 54601.

MC 109449 (Sub-4–4TA), filed March 31, 1980. Applicant: KUJAK TRANSPORT, INCORPORATED, 6366 West 6th Street, Winona, MN 55987. Representative: Gary Huntbatch, 6366 West 6th Street, Winona, MN 55987. *Such merchandise as is dealt in by wholesale and retail gift stores.* From Addison, TX to Tulsa and Oklahoma City, OK. Restricted to shipments originating at and destined to the facilities utilized by Tuesday Morning, Inc., at the above named origin and destinations.

MC 19778 (Sub-4–1TA), filed March 28, 1980. Applicant: THE MILWAUKEE MOTOR TRANSPORTATION COMPANY, 516 West Jackson Boulevard, Suite 508, Chicago, IL 60606. Representative: Robert F. Munsell, 516 West Jackson Boulevard, Suite 508, Chicago, IL 60606. General Commodities (except those of unusual value, Classes A and B explosives, Commodities in bulk, Commodities which because of

size and weight require the use of special equipment) between Chicago, IL; Milwaukee, WI; Green Bay, WI; Portage, WI; Madison, WI; St. Paul, MN; Minneapolis, MN; Austin, MN; Spencer, IA and Davenport, IA on the one hand, and, on the other Rockton, Shirland, Durand, Davis, Rock City, Dakota, Freeport, Florance, Shannon, Harper, Forreston, Leaf River, Byron, Holcomb, Kings, Flag Center, Rochelle, Scarbord, Welland, Mendota, Ladd, Depue, Hennepin, Grandville, Genoa, De Kalb, New Lebanon, Momence, IL; Hartford, Woodland, Iron Ridge, Burnett, Atwater, Waupun, Brandon, Fairwater, Markesan, Ripon, Oshkosh, Beaver, Dam, Fox Lake, Randolph, Cambria, Mayville, Knowles, Pembine, Brownsville, South Byron, Fond du Lac, Sobieski, Abrams, Stiles, Lena, Coleman, Pound, Beaver, Crivitz, Wausaukee, Amberg, WI; Iron Mountain, Randville, Sagola, Channing, Amasa, Sidnaw, Mass, Ontonagon, MI; Eagle, Palmyra, Whitewater, Milton Junction, Janesville, Orfordville, Brodhead, Monroe, Gratoit, Calamine, Mineral Point, Chippewa Falls, Eau Claire, Caryville, Durand, WI; Cannon Falls, Welch, Kenyon, Zumbrota, Le Center, Mankota, Mapleton, MN; Fargo, Hickson, Christine, Abercrombie, Wahpeton, Fairmount, ND; White Rock, SD; Wheaton, Dumont, Graceville, Clinton, MN; Elk Point, Burbank, Vermillion, Gayville, Yankton, Tyndall, Avon, Wagner, Lake Andes, Gedes, Platte, Scotland, Canton, Harrisburg, Sioux Falls, Renner, Dell Rapids, Trent, Egan, Flandreau, Madison, Ramona, Lake Preston, Bryant, Emery, Mitchell, Wentworth, Letcher, Woonsocket, Wolsey, Tulare, Redfield, Ashton, Mellette, Warner, Mount Vernon, Plankinton, White Lake, Kimball, Chamberlain, Oacoma, Reliance, Kennebec, Presho, Drauper, Murdo, Okaton, Stamford, Kadoka, Rapid City, SD; Pipestone, Hatfield, Edgerton, Chandler, Iona, Wirock, Fulda, Kimbrae, Miloma, Okabena, Lakefield, Brownsdale, Grand Meadow, Spring Valley, Wykoff, Fountain, Lanesboro, Peterson, Rushford, MN; Adel, Akron, Albert City, Amana, Anamosa, Atkins, Bayard, Boyden, Cambridge, Cedar Rapids, Charter Oak, Coon Rapids, Council Bluffs, Delmar, Des Moines, Fairfax, Fonda, Grimes, Hawarden, Hedrick, Hopkinton, Hull, Inwood, Jefferson, Keystone, Lansing, Lohrville, Lost Nation, Madrid, Manilla, Manning, Mapleton, Maquoketa, Marathon, Marion, Maxwell, Melbourne, Middle Amana, Monticello, Neola, Newhall, North English, Olin, Oxford Junction, Panora, Perry, Redfield, Rock Valley, Rockwell City, Sac City, Sigourney, Sioux City, Slater, South Amana, Springville, Storm Lake, Tama, Underwood, Ute, Van Horne, Waukee, Weston, Williamsburg, Woodward, IA, restricted to transportation of traffic having a prior or subsequent movement by rail. Supporting shipper: The Chicago, Milwaukee, St. Paul and Pacific Railroad Company, 516 W. Jackson Blvd., Chicago, IL. 60606.

MC 69116 (Sub-4–5TA), filed March 26, 1980. Applicant: SPECTOR INDUSTRIES, INC., d.b.a. SPECTOR FREIGHT SYSTEM, 1050 Kingery Highway, Bensenville, IL 60106. Representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, IL 60603. *Cartons, bottle or can carrying,* from Ft. Atkinson, WI, to Fulton, South Volney, and Aburn, NY. An underlying ETA seeks 90-day authority. Supporting shipper: Philip Morris Industrial Incorporated, 4200 North Holton Street, P.O. Box 294, Milwaukee, WI 53201.

MC 118776 (Sub-4–3TA), filed March 27, 1980. Applicant: GULLY TRANSPORTATION, INC., 3820 Wisman Lane, Quincy, IL 62301. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105. *Wood pulp dishes, plates and trays, NOIBN, on egg cases or egg carrier fillers and flats combined, molded wood pulp, nested packing partitions, NOIBN, wood pulp, nested solid, not corrugated* from Hammond, IN and its commercial zone to points in MN, MO, KS and WI. Supporting shipper: Keyes Fibre Company, 6629 Indianapolis Blvd., Hammond, IN 46323.

MC 40978 (Sub-4–1TA), filed March 26, 1980. Applicant: CHAIR CITY MOTOR EXPRESS COMPANY, 3321 Business 141 South, Sheboygan, WI 53081. Representative: Daniel R. Dineen, 710 N. Plankinton Avenue, Milwaukee, WI 53203. *New furniture* from St. Louis and Springfield, MO, and Paoli, IN, to points in IA, IL, MI, MN and WI. An underlying ETA seeks 90 days authority. Supporting shipper(s): Town House Furniture, LTD., 7901 Michigan Avenue, St. Louis, MO, 63111.

MC 118776 (Sub-4–4TA), filed March 27, 1980. Applicant: GULLY TRANSPORTATION, INC., 3820 Wisman Lane, Quincy, IL 62301. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105. *Paper and plastic disposable food service containers and ice cream cones,* from Chicago, IL and its commercial zone to points in MO, KS, TN, KY, AR, IA and NE. Supporting shipper: Sweetheart Cup Corporation, 7575 S. Kostner, Chicago, IL 60652.

MC 133666 (Sub-4–1TA), filed March 26, 1980. Applicant: JACOBSON TRANSPORT, INC., 1112 Second Avenue, South, Wheaton, MN 56296. Representative: Thomas J. Burke, Jr., Jones, Meiklejohn, Kehl & Lyons, 1600 Lincoln Center Building, 1660 Lincoln Street, Denver, CO 80264. *Contract carrier, irregular routes: Road asphalt, road oils, and fuel oils,* in bulk, in tank vehicles, (1) between points in WY and MN; and (2) from Dickinson, ND to points in MN, under continuing contract(s) with Duininck Bros. and Gilchrist of Prinsburg, MN. (Hearing site: Minneapolis-St. Paul, MN.)

MC 43038 (Sub-4–7TA), filed March 26, 1980. Applicant: COMMERCIAL CARRIERS, INC., 20300 Civic Center Drive, 4th Floor, Box CS 5027, Southfield, MI 48037. Representative: Paul H. Jones, 29725 Shacket Avenue, Madison Heights, MI 48071, [jointly with] Nicholas W. Hetman, 3800 Frederica, Owensboro, KY 42301. *Motor Vehicles,* (excluding trailers) in secondary movements, in truckaway service, from Houston, TX, to points in the state of TX. An underlying ETA seeks 90 days authority. Supporting shippers: American Honda Motor Co., Inc., 100 W. Alondra Blvd., P.O. Box 970, Gardena, CA 90247.

MC 150278 (Sub-4–1TA), filed March 26, 1980. Applicant: BODIN'S, INC., 208 Wilson Avenue, Box 687, Bayfield, Wisconsin 54814. Representative: John L. Bruemmer, 121 West Doty Street, Madison, WI 53703. *Contract carrier;* irregular routes; *Such commodities as are dealt in by wholesale, retail and chain grocery and food business houses,* in vehicles equipped with mechanical refrigeration, between Chicago, IL and points in its commercial zone, on the one hand, and on the other, Superior, WI. Restriced to shipments originating at or destined to the facilities of Twin Ports Grocery Company, Superior, under a continuing contract with Twin Ports Grocery Company. Supporting shipper: Twin Ports Grocery Company, 1230 Poplar Ave., Superior, WI. 54880.

MC 124078 (Sub-4–14TA), filed March 27, 1980. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. *Cullet (broken glass),* in bulk, from Charlotte, MI to Streator, IL. Supporting shipper: Owens-Illinois, Inc., P.O. Box 1035, Toledo, OH 43666.

MC 124078 (Sub-4–15TA), filed April 2, 1980. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601,

Milwaukee, WI 53201. *Ground limestone,* in bulk, in tank vehicles, from Gantt's Junction, AL to Evansville, IN. Supporting shipper: Thompson, Weinman & Company, P.O. Box 130, Cartersville, GA 30120.

MC 136545 (Sub-4–1TA), filed March 26, 1980. Applicant: NUSSBERGER BROS. TRUCKING CO., INC., 929 Railroad Street, Prentice, WI 54556. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, WI 53705. *Materials, equipment and supplies used in the manufacture of hydraulic cylinders* from points in IL, IN, MI, OH, and MN, to the facilities of RamRod Hydraulics, Inc., located at or near Medford, WI. Supporting shipper: RamRod Hydraulics, Inc., 949 South Gibson St., Medford, WI 54451.

MC 125894 (Sub-4–2TA), filed March 27, 1980. Applicant: J & R SCHUGEL TRUCKING, INC., 310 Water Street, New Ulm, MN 56073. Representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, MN 55402. *Feed and feed ingredients* from New Prague, MN to points in IL, IN, NE, SD and WI. Supporting shipper: International Multifoods Corporation, 1200 Multifoods Bldg., Minneapolis, MN 55402.

MC 150415 (Sub-4–2TA), filed March 28, 1980. Applicant: DECATUR WAREHOUSE COMPANY, P.O. Box 988, Decatur, IL 62525. Representative: Michael W. O'Hara, Esq., 300 Reisch Bldg., Springfield, IL 62701. (1) *Parts, supplies and materials* used in the manufacture and maintenance of heavy machinery and equipment between Springfield, IL and Decatur, IL; and (2) *Products of soybean and corn* (except in bulk) from Champaign and Decatur, IL to Decatur, IL; both restricted to traffic having a prior or subsequent movement by rail. An underlying E/T/A seeks 90 days authority. Supporting shipper: A. E. Staley Manufacturing Co., P.O. Box 151, Decatur, IL 62525, and Fiat-Allis Construction Machinery, Incorporated, 300 South 6th St., Springfield, IL 62710.

MC 150424 (Sub-4–1TA), filed March 28, 1980. Applicant: NESHEM-PETERSON, INC., Berthold, ND 58718. Representative: Charles E. Johnson, P.O. Box 1982, Bismarck, ND 58501. *Contract;* irregular; *grain drying and grain handling equipment and supplies and knocked down grain bins and steel buildings and parts and accessories* therefore from points in the U.S. (except AK and HI) to Berthold, ND, under contract with Neshem-Peterson, Inc., and *such equipment, materials* and *supplies used in the manufacture* and *assembly of semi-trailers, agricultural machinery* and *agricultural implements,* from points in the U.S. (except AK and HI) to the facilities of Turtle Mountain Manufacturing Company near Belcourt, ND, under contract with Turtle Mountain Manufacturing Company. An underlying ETA seeks 90 days authority. Supporting shipper: Neshem-Peterson, Inc., Berthold, ND 58718; Turtle Mountain Manufacturing Company, Box 770, Belcourt, ND 58316.

MC 108185 (Sub-4–4TA), filed March 31, 1980. Applicant: JACK COLE-DIXIE HIGHWAY COMPANY, 215 South 11th Street, Minneapolis, Minnesota 55403. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minnesota 55118. *Plastic materials, plastic articles, plastic pipe, tubing, fittings and connections and (2) materials, supplies and accessories* used in the manufacture and installation thereof (except in bulk in tank vehicles) restricted to traffic originating or destined to the facilities of Robintech, Incorporated. Between the facilities of Robintech, Incorporated at or near Danville, IL; Evansville, IN; Slidell, LA; Weatherford, TX and Wichita Falls, TX on the one hand and points in the U.S. except points in AK and HI. Supporting shipper: Robintech, Incorporated, P.O. Box 2342, Fort Worth, Texas 76113.

MC 120364 (Sub-4–1TA), filed January 24, 1980. Applicant: A & B FREIGHT LINE, INC, 4805 Sandy Hollow Road, Rockford, IL 61109. Representative: Robert M. Kaske (same as applicant). *Adhesives, automotive supplies, castings, chemicals, containers, iron and steel articles, machinery and parts, tires and rubber products;* between the Murphy Kullens warehouses at Freeport, Rockford, IL and Beloit, WI and points in the States of IA, IN, and WI. Supporting shipper: Murphy Kullens Warehouse, Rockford, IL.

MC 54855 (Sub-4–1TA), filed November 23, 1979. Applicant: LOUISVILLE, NEW ALBANY & CORYDON RAILROAD COMPANY, d.b.a. LOUISVILLE AND CORYDON TRANSFER, 210 West Walnut Street, Corydon, IN 47112. Representative: Walter Saulman (same address as applicant). *Kitchen cabinets,* from English, IN to Louisville, KY. Supporting shipper: Schmidt Cabinet Co., Inc., New Salisbury, IN 47161.

MC 126555 (Sub-4–4TA), filed March 31, 1980. Applicant: UNIVERSAL TRANSPORT, INC., P.O. Box 3000, Rapid City, SD 57709. Representative: Galen Meek (same as applicant). *Clay, ground and pulverized, and Clay products and by-products* from Las Vegas, NV to points in WY, MT, and ND. Supporting shipper: Industrial Mineral Ventures, Inc., Star Rt. 15, Box 549, Lathrop Wells, NV 89020.

MC 150294 (Sub-4–3TA), filed April 4, 1980. Applicant: HAROLD A. CORBIN, R.R. No. 2, Manhattan, IL 60442. Representative: Abraham A. Diamond, 29 S. LaSalle St., Chicago, IL 60603. *Steel and Metal Products* between Bensenville and Schaumburg, IL, on the one hand, and on the other, points, in AR, CT, FL, IL, IN, IA, KY, MI, MN, MO, OH, OK, PA, TN, TX, VA and WI. Supporting shipper(s): Nelsen Wire Co. 1060 E. Irving Park Road, Bensonville, IL 60106; New Process Steel Corporation, 421 Spring So. Road, Roselle, IL 60172.

MC 15975 (Sub-4–2TA), filed April 1, 1980. Applicant: BUSKE LINES, INC., 123 W. Tyler Ave., Litchfield, IL 62056. Representative: Howard H. Buske (same address as applicant). *Aluminum cans,* from the facilities of Reynolds Metal Company at or near Woodbridge, NJ and Middletown, NY, to Kansas City, MO; Albany, GA; Salisbury, NC; and Ft. Worth and Houston, TX. An underlying ETA seeks up to 90 days authority. Supporting shipper: Reynolds Metals Company, P.O. Box 27003, Richmond, VA 23261.

MC 119974 (Sub-4–1TA), filed April 4, 1980. Applicant: L. C. L. TRANSIT COMPANY, 949 Advance Street, Green Bay, WI 54304. Representative: L. F. Abel, P.O. Box 949, Green Bay, WI 54305. *Meats, meat products, meat by-products and articles distributed by meat packinghouses* (except hides and skins and commodities from the facilities utilized by Armour Food Company at Omaha, NE to points in IL, IN, IA, KY, MI, MN, MO, OH and WI. Supporting shipper: Armour Fresh Meat Company, 111 W. Claredon, Greyhound Tower, Phoenix, AR 85077.

MC 148185 (Sub-4–1TA), filed April 3, 1980. Applicant: WINFRIED P. BARTZ d.b.a. WINN BARTZ TRUCKING, RFD, La Valle, WI 53941. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. *Contract carrier:* Irregular routes: (1) *Recyclable foundry waste products* from Reedsburg, WI, to points in IA and (2) *Scrap steel* from Chicago, IL to Reedsburg, WI, under a continuing contract or contracts with Grede Foundries, Inc. Underlying ETA seeks 90 day authority. Supporting shipper: Grede Foundries, Inc., 9898 Blue Mound Road, Milwaukee, WI 53226.

MC 142715 (Sub-4–3TA). Applicant: LENERTZ, INC., P.O. Box 479, South St. Paul, MN 55079. Representative: K. O. Petrick (same as applicant). *General commodities* (except Class A and B explosives, commodities in bulk, commodities which because of size and weight require special equipment and household goods as defined by the Commission), between points in the US

in and east of CO, NE, ND, OK, SD, and TX. Restricted to the facilities utilized by W. W. Grainer, Inc. Supporting shipper: W. W. Grainer, Inc., 5959 West Howard St., Chicago, IL 60648.

MC 83292 (Sub-4–4TA), filed April 3, 1980. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmsted Road, P.O. Box 2853, Kalamazoo, MI 49003. Representative: Neil E. Hannan (same address as applicant). *Sodium bicarbonate,* (except in bulk), from the facilities utilized by Church and Dwight Co., Inc. located in the counties of Seneca and Sandusky, OH, to points in IL, IN, KY, MI, and TN. Supporting shipper: Church & Dwight Co., Inc., P.O. Box 369, Discataway, NJ 08854.

MC 134730 (Sub-4–1TA), filed April 1, 1980. Applicant: METALS TRANSPORT, INC., 528 South 108th Street, West Allis, WI 53214. Representative: M. H. Dawes, Secretary-Treasurer (same address as applicant). *Contract;* irregular, *Heat Processing Equipment, Parts and Accessories for Heat Processing Equipment, and Materials, Parts, Supplies and Equipment used in the manufacture and repair of heat processing equipment,* between Watertown, WI on the one hand, and, on the other, points in the U.S. excluding AK and HI, under a continuing contract(s) with Lindberg, A Unit of General Signal. Supporting shipper: Lindburg, a unit of General Signal, 304 Hart Street, Watertown, WI 53094.

MC 117730 (Sub-4–2TA), filed April 1, 1980. Applicant: KOUBENEC MOTOR SERVICE, INC., Route #47, Huntley, IL 60142. Representative: Stephen H. Loeb, 33 N. LaSalle, #2027, Chicago, IL 60602. *Rough aluminum castings,* from the facilities of Harris Metals Co., at Cookeville, TN to Indianapolis, IN, Peoria, IL, and Racine, WI. An underlying ETA seeks 90 days authority. Supporting shipper: Harris Metals Co., 2315 Hilham Road, Cookeville, TN 38501.

MC 139482 (Sub-4–9TA), filed April 1, 1980. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. *Charcoal, Charcoal Briquets, Materials, Equipment and Supplies* used in the manufacture of such commodities (1) from Scotia, NY, to points in CT, ME, MA, NH, NJ, PA, RI, VT and DE; and (2) from Dickinson, ND to points in AZ, CA, CO, NM, TX, and UT. Supporting shipper: Husky Industries, Inc., 62 Perimeter Center E., Atlanta, GA 30346.

MC 119750 (Sub-4–1TA), filed March 21, 1980. Applicant: PERKINS MOTOR TRANSPORT, INC., P.O. Box 218, Savage, MN 55378. Representative: Jack L. McGraw (same address as applicant). *Cement and flyash, in bulk,* from points in the states of IA and WI to Savage, MN. Restricted to the transportation of traffic originating at or destined to the facilities of Fabcon, Inc., at Savage, MN. Supporting shipper: Fabcon, Inc., Savage, MN 55378.

MC 123272 (Sub-4–2TA), filed March 20, 1980. Applicant: FAST FREIGHT, INC., 9651 S. Ewing Avenue, Chicago, IL 60617. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. (1) *Malt beverages* (except commodities in bulk), from the facilities of Stroh's Brewery Company at or near Detroit, MI and Perrysburg, OH to points in GA; and (2) *Containers and dunnage,* from points in GA to the facilities of Stroh's Brewery Company at or near Detroit, MI and Perrysburg, OH. Supporting shipper: Stroh's Brewery Company, I Stroh's Drive, Detroit, MI 48226.

MC 139482 (Sub-4–6TA), filed March 21, 1980. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Meat (with the usual description),* from the facilities of or utilized by Armour and Company at or near Huron, SD, Worthington, MN and Madison, NE to points in the United States (except AK and HI). An underlying ETA application seeks corresponding authority for 30 days. Supporting shipper: Armour Fresh Meat Company, 111 W. Clarendon, Greyhound Tower, Phoenix, AR 85077.

MC 139482 (Sub-4–7TA), filed March 24, 1980. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Glass and glass product,* from Jeannette, PA to points in the U.S. in and East of ND, SD, NE, KS, OK, and TX. Supporting shipper: General Glass International Corp., 270 N. Avenue, New Rochelle, NY 10801.

MC 110420 (Sub-4–9TA), filed March 10, 1980. Applicant: QUALITY CARRIERS, INC., 100 Waukegan Road, P.O. Box 1000, Lake Bluff, IL 60044. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street NW, Washington, DC 20004. *Petroleum Products,* in bulk, in tank vehicles, between points in IL, IN, and WI. Restricted to traffic originating at or destined to the facilities of Amoco Oil Co., Energy Cooperative, Inc., Lubricants, Inc. and RTE–ASEA Corporation. Supporting shippers: Amoco Oil Company, 200 S. Randolph Dr., Chicago, IL 60606. Energy Cooperative, Inc., 6300 River Road, Rosemont, IL 60018. Lubricants, Inc., W255N3120 Duplainville Rd., Pewaukee, WI 53072. RTE–ASEA, 400 Prairie Avenue, Waukesha, WI 53186.

MC 150372 (Sub-4–1TA), filed March 24, 1980. Applicant: DALE C. FINCK, P.O. Box 263, Black Hawk, SD 57718. Representative: J. Maurice Andren, 1734 Sheridan Lake Road, Rapid City, SD 57701. *Contract,* irregular: *Such Merchandise as is dealt in by retail and catalogue order stores* between Rapid City, SD on the one hand, and on the other hand, points in Crook and Campbell Counties, WY under a continuing contract or contracts with Sears Roebuck and Co., Rapid City, SD. Supporting shipper: Sears Roebuck and Co. 2200 North Maple, Rapid City, SD 57701.

MC 135052 (Sub-4–3TA), filed March 19, 1980. Applicant: ASHCRAFT TRUCKING, INC., 875 Webster Street, Shelbyville, Indiana 46176. Representative: Warren C. Moberly, 320 North Meridian Street, Indianapolis, Indiana 46204. *Expanded Plastic articles or plastic materials,* except commodities in bulk, in tank vehicles, from Indianapolis, IN, to points in the states of AL, AR, GA, IL, IA, KY, LA, MI, MN, MS, MO, NE, OH, TN, TX, VA, WV, and WI. Supporting shipper: W. R. Grace & Co., P.O. Box 295, Reading, PA, 19603.

MC 115430 (Sub-4–1TA), filed March 31, 1980. Applicant: GOBEL FREIGHT LINES, INC., 120 W. Madison St., Chicago, IL 60603. Representative: Edward H. Instenes, 128½ East Third St., P.O. Box 676, Winona, MN 55987. *Malt Beverages,* From La Crosse, WI to the facilities of Southwest Beer Distributors at or near Crestwood, IL. Supporting shipper: Southwest Beer Distributors, Inc., Crestwood, IL.

MC 119702 (Sub-4–2TA), filed March 26, 1980. Applicant: STAHLY CARTAGE CO., 119 South Main Street, P.O. Box 486, Edwardsville, IL 62025. Representative: E. Stephen Heisley, Ames, Hill & Ames, P.C., 666 Eleventh Street, N.W., Washington, D.C. 20001. *Distillate Fuel Oil,* in bulk, in tank vehicles, from Williams Brothers Pipeline Terminal located at or near St. Charles, Missouri to Centralia, Illinois. Supporting shipper: Wisconsin Industrial Fuel Oil, Inc., 610 W. Rawson Avenue, Oak Creek, WI 53154.

MC 720 (Sub-4–2), filing date March 31, 1980. Applicant: BIRD TRUCKING COMPANY, INC., P.O. Box 227, Waupun, Wisconsin 53963. Representative: Tom Westerman, Director of Commerce, P.O. Box 227, Waupun, Wisconsin 53963. *Such commodities as are dealt in by*

wholesale and retail grocery stores and food business houses from New Prague, MN on the one hand, and on the other points in Illinois. Restricted to transportation performed from the facilities of International Multifoods Corporation. Supporting shipper: International Multifoods Corporation, 1200 Multifoods Building, Minneapolis, MN 55402. Supporting shipper: International Multifoods Corporation, 1200 Multifoods Building, Minneapolis, Minnesota 55402.

MC 107162 (Sub-4–2–TA) filed March 21, 1980. Applicant: NOBLE GRAHAM TRANSPORT, INC., Rural Route 1 Brimley, MI 49715. Representative: Michael S. Varda, 121 South Pinckney Street, Madison, WI 53703. *Lumber, lumber products, wood products and waferboard* from points in the Upper Peninsula of MI and points in WI on and north of WI Hwy. 64 to points in the US in and east of ND, SD, NE, KS, OK and TX. An underlying ETA seeks 90 days' authority. Supporting shippers: M&M Rustic Fence, Inc., P.O. Box 37, Amberg, WI, 54102; and Edward Hines Lumber Co., 200 S. Michigan Ave., Chicago, IL 60604.

MC 114632 (Sub-4–7TA), filed March 21, 1980. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: David E. Peterson, P.O. Box 287, Madison, SD 57042. *Ground clay and ground clay products,* from Middleton, TN to points in CO, IL, IA, KS, MN, MO, MT, NE, ND, SD, WI, and WY. Supporting shipper: Maltan, Inc., P.O. Box 626, Memphis, TN 38101

MC 114632 (Sub-4–6TA), filed March 21, 1980. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: David E. Peterson P.O. Box 287, Madison, SD 57042. *General Commodities,* between Bristol, PA on the one hand, and, on the other, points in CA, IL and TX. Supporting shipper: Delaware Valley Shippers Association, 2209 E. Farragut, Bristol, PA 19007.

MC 129790 (Sub-4–1TA), filed March 25, 1980. Applicant: JOSEPH A. BECKER, d.b.a., BECKER HI-WAY FRATE, Route 5, Box 10B Albert Lea, MN 56007. Representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, MN 55402. *Canned goods,* from Plainview, MN and Manitowoc, WI to points in AL, AR, GA, IL, IN, IA, KS, KY, LA, MA, MI, MS, MO, NE, NY, ND, OH, OK, PA, SD, TN, WV, and WI. An underlying ETA seeks 90 days authority. Supporting shipper: Lakeside Packing Company, P.O. Box 1127, 508 Jay Street, Manitowoc, WI, 54220.

MC 139482 (Sub-4–8TA), filed March 21, 1980. Applicant: NEW ULM FREIGHT LINES, INC., P.O. 877, New Ulm, MN 56073. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *General commodities* (except commodities in bulk), between Washington, Clinton and Farmville, NC and Byesville, OH, on the one hand, and, on the other, points in the US (except AK and HI). An underlying ETA seeks authority for 30 days. Supporting shipper: Scovill, Inc., P.O. Box 1156, Washington, NC 27889.

MC 135052 (Sub-4–4TA), filed March 21, 1980. Applicant: ASHCRAFT TRUCKING, INC., 875 Webster Street, Shelbyville, IN 46176. Representative: Warren C. Moberly, 320 N. Meridian Street, Indianapolis, IN 46204. *Paper and paper products, and pallets on return,* (1) from Hazelwood, MO, to AR, IL, IN, KY, MI, OH, PA, TN, WI, WV and (2) from St. Marys, GA, to AL, FL, KY, MS, NC, SC and TN. Supporting shipper: Gilman Paper Company, Post Office Box 520, St. Marys, GA 31558.

MC 117730 (Sub-4–1TA), filed March 21, 1980. Applicant: KOUBENEC MOTOR SERVICE, INC., Route #47, Huntley, IL 60142. Representative: Stephen H. Loeb, Suite 2027, 33 N. LaSalle St., Chicago, IL 60602. *Resin coated sand* in bulk in van conveyor trailers, from the facilities of Acme Resin Corp., at Chicago and Oregon, IL, to the facilities of Huron Castings, Inc., at Pigeon, MI. An underlying ETA seeks 9 days authority. Supporting shipper: Acme Resin Corp., 1401 Circle, Forest Park, IL.

MC 109141 (Sub-4–2TA), filed March 27, 1980. Applicant: CARL J. AUSTAD & SON, INC., 500 Railroad Av., Hettinger, ND 58639. Representative: T. L. Secrest, Box 430, Hettinger, ND. *Liquefied petroleum gas,* between the facilities of Western Gas Processors, LTD, Teddy Roosevelt Plant, Billings County, Fairfied, ND, to Burlington Northern Railroad Loading Site, Belfield, ND. An underlying ETA seeks 90 days authority. Supporting shipper: Heetco, Inc., P.O. Box 188, Lewistown, MO 63452.

MC 119767 (Sub-4–1TA), filed March 28, 1980. Applicant: BEAVER TRANSPORT CO., 100 Waukegan Rd., P.O. Box 1000, Lake Bluff, IL 60044. Representative: John Sims, 915 Pennsylvania Bldg., 425 13th St. NW., Washington, DC 20004. *Alcoholic liquors, materials, equipment and supplies used in the manufacture and distribution thereof (except in bulk, in tank vehicles),* (1) From Peoria, IL to Bardstown, KY; (2) From Bardstown, KY to points in IL, IN, MI, MN, MO, ND, OH, SD and WI. Supporting shipper: Hiram Walker & Sons, Inc., P.O. Box 479, Peoria, IL 61601.

MC 114457 (Sub-4–6TA), filed March 27, 1980. Applicant: DART TRANSIT COMPANY, 2102 University Ave., St. Paul, MN 55114. Representative: James Wills, 2102 University Ave., St. Paul, MN 55114. (1) *Such commodities* as are dealt in by manufacturers and distributors of small electric appliances, from the facilities of Hamilton Beach Division at Washington, Clinton, and Farmville, NC and Byesville, OH to points in the U.S. (except AK and HI); and *(2) Materials, equipment, and supplies used in the manufacture, sale, and distribution of the commodities named in (1) above,* on return. An underlying ETA seeks 90 days authority. Supporting shipper: Hamilton Beach Division, Scovill Inc., P.O. Box 1158, Washington, NC 27889.

MC 144531 (Sub-4–1TA), filed March 28, 1980. Applicant: SULLI–VAN LINES, INC., 43 Cortland Av., Highland Park, MI 48203. Representative: Lillian Ryan (same address as applicant). *Contract; Irregular; Military tank tractor parts, finished or not finished,* from points in New York, NY, Detroit, MI, Chicago, IL, and Philadephia, PA to the facilities of Ronal Industries at New York, NY and Minowitz Manufacturing at Detroit, MI, under continuing contract(s) with Ronal Industries and Minowitz Manufacturing. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ronal Industries, Inc., 25 Martin Pl., Port Chester, NY 10573; Minowitz Manufacturing Co., 27941 Groesbeck Hwy., Roseville, Mi 48066.

MC 123407 (Sub-4–26TA), filed March 31, 1980. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Rt. 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). *Iron and steel articles* between Charlotte, NC, on the one hand, and, on the other, points in the US in and east of ND, SD, NE, KS, OK, and TX, restricted to the transportation of shipments originating at or destined to the facilities of Rosson-Richards of North Carolina. Supporting shipper: Rosson-Richards of North Carolina, 5200 David Cox Road, P.O. Box 33814, Charlotte, NC 28233. An underlying ETA seeks 90 days authority.

MC 128831 (Sub-4–2TA), filed March 31, 1980. Applicant: DIXON RAPID TRANSFER, INC., Rt. 64, East, Mt. Morris, IL 61054. Representative: Abe Diamond, 29 La Salle St., Chicago, IL 60603. *Pitch Targets,* from the facilities of Reagent Chemical & Research, Inc., White Flyer Div., Shamokin, PA to IL, IA, MN, WI, IN and MO. An underlying ETA seeks 90 days authority. Supporting shipper: Conevera's Guns & Reloading Supplies, Inc., 5064 Dailette Dr., Rockford, IL 61102.

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, 411 West 7th Street, Suite 600, Fort Worth, TX 76102.

MC 69834 (Sub-5–1TA), filed March 27, 1980. Applicant: PRICE TRUCK LINE, INC., 2945 North Market, Wichita, Kansas 67219. Representative: Paul V. Dugan, 2707 West Douglas, Wichita, Kansas 67213. *Talcum Powder,* from Los Angeles, California, to the plantsite at Industrial Coatings Division, Wichita, Kansas. Supporting shipper: Ameron Industrial Coatings Division, 16,116 E. 13th, Wichita, Kansas 67230.

MC 69834 (Subs-5–2TA), filed March 27, 1980. Applicant: PRICE TRUCK LINE, INC., 2945 North Market, Wichita, Kansas 67219. Representative: Paul V. Dugan, 2707 West Douglas, Wichita, Kansas 67213. *Cleaning compounds, alkalai liquid, hypochlorite solution, water treatment compounds, paint and related commodities,* from Garland, Texas, to points in Kansas. Supporting shipper: Economics Laboratory, Inc., Osborn Bldg., St. Paul, Minn. 55102.

MC 93840 (Sub-5–3TA), filed March 31, 1980. Applicant: GLESS BROS, INC., P.O. Box 219, Blue Grass, Iowa 52726. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. *Chemicals,* from Buffalo, IA, to points in IA, IL, IN, MN, MO, NE, ND, SD, WI and MT. Supporting shipper: Vulcan Materials Company.

MC 98614 (Sub-5–1), filed April 2, 1980. Applicant: ARKANSAS TRANSPORT COMPANY, P.O. Box 702, Little Rock, AR 72203. Representative: Roland M. Lowell, 618 United American Bank Building, Nashville, Tennessee 37219. *Petroleum and Petroleum Products, in bulk, in tank vehicles,* (1) from West Memphis, AR and its commercial zone to points in TN on and west of U.S. Highway 27, Butler, Cape Girardeau and Pemiscot Counties, MO, DeSoto and Grenada, County, MS. (2) from Mississippi and Pemiscot Counties, MO to points in TN on and west of U.S. Highway 27. Supporting shipper: There are six (6) supporting shippers.

MC 98614 (Sub-5–2TA), filed April 2, 1980. Applicant: ARKANSAS TRANSPORT COMPANY, P.O. Box 702, Little Rock, AR 72203. Representative: Roland M. Lowell, 618 United American Bank Building, Nashville, TN 37219. *Petroleum and Petroleum Products, in bulk, in tank vehicles,* (1) from Caddo and Bienville Parish, LA and Union County, AR to points in Bowie County, TX, and (2) from Caddo and Bienville Parish, LA to points in Nevada, Ashley, Little River, Union, Columbia, Miller, Hempstead, Hot Springs, Pulaski, White, Jackson, Sebastian and Pope Counties, AR. Supporting shippers: Mid South Companies, 1414 New Boston Rd., Texarkana, TX 75501. Arkla Chemical Corporation, P.O. Box 21734, Shreveport, LA, 71151.

MC 107037 (Sub-5–2TA), filed March 31, 1980. Applicant: BROWN TRANSFER COMPANY, 1202 E. 26th St., Kearney, NE 68847. Representative: Donald L. Stern, Stern & Becker, P.C., Suite 610, 7171 Mercy Rd., Omaha, NE 68106. *Common carrier,* regular routes: *General commodities,* except those of unusual value, Classes A and B explosives, household goods, livestock, commodities requiring special equipment other than refrigeration, and those injurious or contaminating to other lading, between Broken Bow, NE and Kearney, NE, serving all intermediate points, as follows: from Kearney, NE, over NE Hwy 10 to junction NE Hwy 40, thence over NE Hwy 40 to junctions US Hwy 183, thence over US Hwy 183 to junction NE Hwy 92, thence over NE Hwy 92 to Broken Bow, NE, and return over the same route; and from Kearney, NE over NE Hwy 10 to junction NE Hwy 2, thence over NE Hwy 2 to junction NE Hwy 92, thence over NE Hwy 92 to Broken Bow, NE, and return over the same route. Supporting shippers: 50.

Note.—Tacking with applicant's regular route authority at Kearney, NE is requested.

MC 107496 (Sub-5–10TA), filed April 2, 1980. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Avenue, Des Moines, Iowa 50309. Representative: E. Check, P.O. Box 855, Des Moines, Iowa 50304. *Caustic soda, in bulk, in tank vehicles,* from the Pennwalt facilities at Wyandotte, MI and Lemont, IL to points in IN and OH. Supporting shipper: Ulrich Chemical Co., 3318 E. Pontiac Street, Ft. Wayne, IN 46803.

MC 111401 (Sub-5–3TA), filed March 31, 1980. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, 2510 Rock Island Blvd., Enid, OK 73701. Representative: Victor R. Comstock, Vice President, Traffic, P.O. Box 632, Enid, OK 73701. *Aviation Gasoline, in bulk, in tank vehicles,* from Memphis, TN to Galveston, TX. Supporting shipper: Galveston Air Center, Inc., P.O. Box 3413, Galveston, TX, 77552.

MC 111231 (Sub-5–5TA), filed March 31, 1980. Applicant: JONES TRUCK LINES, INC., 610 E. Emma Avenue, Springdale, AR 72764. Representative: John C. Everett, 140 E. Buchanan, P.O. Box A, Prairie Grove, AR 72753. *Lumber and lumber products,* from Conway County, AR, to all points and places in IL, IN, IA, KS, MO, WI, MI, OK, TX, MN, OH, TN, MS, and LA. Supporting shipper: Pinecrest Lumber Company, Inc., P.O. Box 128, Plumberville, AR 72127.

MC 116077 (Sub-5–4TA), filed March 13, 1980. Applicant: DSI TRANSPORTS, INC., 4550 One Post Oak Place, Suite 300, Houston, Texas 77027. Representative: J. C. Browder, 4550 One Post Oak Place, Suite 300, Houston, Texas 77027. *Spent Catalyst, in bulk, in tank vehicles, from Corpus Christi, Texas,* to Enid, Oklahoma and Good Hope, Louisiana. Supporting shipper: Champlian Petroleum Company, Post Office Box 552, Enid, Oklahoma 73701.

MC 116111 (Sub-5–1TA), filed March 10, 1980. Applicant: BOOTH'S TOW SERVICE, 3101 E. 85th Street, Kansas City, Missouri 64132. Representative: Joseph M. Booth (same address as applicant). *Wrecked, Disabled, Repossessed, or Stolen Vehicles,* between points in MO and KS on the one hand and on the other points in the United States except AK and HI. Supporting shippers: There are 6 supporting shippers.

MC 117119 (Sub-5–5TA), filed April 2, 1980. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean, P.O. Box 188, Elm Springs, AR 72728. *Fluorescent and H.I.D. lighting fixtures and parts with or without lamps* from Americus, GA and Eufaula, AL to points in the U.S. (except AK and HI), restricted to traffic originating at the facilities of Gibson-Metalux Corporation at the named points. Supporting shipper: Gibson-Metalux Corporation, P. O. Box 1207, Americus, GA 31709.

MC 117765 (Sub-5–3TA), filed March 31, 1980. Applicant: HAHN TRUCK LINE, INC., P. O. Box 75218, Oklahoma City, OK 73147. Representative: R. E. Hagan (same address as applicant). *Flour and corn meal (except in bulk), Bird Seed, Popcorn, Feed and Feed Ingredients,* (1) From Shawnne, OK to AR and MO and (2) From Alton, IL to Shawnee, OK. Supporting shipper: Shawnee Milling Company, P. O. Box 1567, Shawnee, OK 74801.

MC 118959 (Sub-5–4TA), filed April 2, 1980. Applicant: JERRY LIPPS, INC., 130 S. Frederick, Cape Girardeau, MO 63701. Representative: Jack Gleason, 130 S. Frederick, Cape Girardeau, MO 63701. *Materials, Supplies and Equipment used in the manufacturing and distribution of Cleaning, Scouring and Washing Compounds (except commodities in bulk),* From the facilities of the Container Corporation of America in Houston and Arlington, Texas to the facilities utilized by the Procter & Gamble Company at or near Alexandria, Louisiana. Supporting shipper: Procter &

Gamble Company; P. O. Box 599, Cincinnati, Ohio 45201.

MC 119700 (Sub-5–1TA), filed March 31, 1980. Applicant: STEEL HAULERS, INC., 306 Ewing Avenue, Kansas City, MO 64125. Representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Avenue, Kansas City, MO 64105. *Miscellaneous and structural steel or fabricated iron or steel products* from the facilities of Lacy Steel Co., Inc., at or near Lawrence, KS, to points in the states of AR, CO, IL, IN, IA, LA, MI, MN, MS, MO, NE, ND, OH, OK, SD, TN, TX, WI and WY. Supporting shipper: Lacy Steel Co., Inc., P.O. Box 247, Lawrence, KS 66044.

MC 119789 (Sub-5–10TA), filed April 1, 1980. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr., P.O. Box 226188, Dallas, TX 75266. *Foodstuffs and materials, supplies, equipment and ingredients used in the manufacture and sale of Foodstuffs* between Jacksonville, IL; Sherman, TX; and Humboldt, TN on the one hand, and, on the other, points in the United States except AK and HI. Supporting shipper: Anderson-Clayton Foods, Inc.; P.O. Box 226165, Dallas, TX 75266.

MC 119789 (Sub-5–11TA), filed April 1, 1980. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr., P.O. Box 226188, Dallas, TX 75266. *Foodstuffs (except in bulk)* from Ripon, CA to Charlotte, NC; Columbus, OH; Dallas and Houston, TX; Dearborn, MI; Edison, Pensauken and Woodbury, NJ; Hazelwood, MO; Itasca, IL; Jacksonville, FL; Memphis, TN; Springfield, MA; and Liverpool, NY. Supporting shipper: The Nestle Company, Inc.; 100 Bloomingdale Road; White Plains, NY 10605.

MC 119789 (Sub-5–12TA), filed April 2, 1980. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr., P.O. Box 226188, Dallas, TX 75266. *Steel Vent Tubing* from Pine Bluff, AR to points in the U.S. on and east of U.S. Highway 85. Supporting shipper: Century Tube Corporation; P.O. Box 7612; Pine Bluff, AR 71611.

MC 121517 (Sub-5–2TA), filed April 2, 1980. Applicant: ELLSWORTH MOTOR FREIGHT LINES, INC., P.O. Box 15672, Tulsa, OK 74112. Representative: Wilburn L. Williamson, Suite 615–East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Fuel oil, in bulk, in tank vehicles,* from Cushing, OK to points in Collins, Dallas, Franklin, Hopkins, Hunt and Red River Counties, TX. Supporting shipper(s): Sterling Energy Company, Inc., d.b.a. SENCO, P.O. Box 3799, Abilene, TX 79604.

MC 121658 (Sub-5–1TA), filed April 1, 1980. Applicant: STEVE D. THOMPSON TRUCKING, INC., P.O. Drawer 149, Winnsboro, LA 71295. Representative: Robert L. McArty, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. *Common, regular paper and paper products* from the facilities of Olinkraft, Inc. at or near West Monroe, LA to Conway, AR, from West Monroe, LA over U.S. Hwy 165 to junction U.S. Hwy 65 at or near Dermott, AR; then over U.S. Hwy 65 to Conway, AR, serving no intermediate points. Supporting shipper(s): Olinkraft, Inc., P.O. Box 488, West Monroe, LA 71291.

MC 123649 (Sub-5–2TA), filed March 31, 1980. Applicant: MAGILL TRUCK LINES, INC., 211 West 53rd North, Wichita, Kansas 67204. Representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, Kansas 67202. *Livestock and grain trailers in towaway service* from Denver, CO to Wichita, KS. Supporting shipper: Merritt Trailer Sales, Inc., 4159 North Broadway, Wichita, Kansas 67219.

MC 124141 (Sub-5–5TA), filed March 17, 1980. Applicant: JULIAN MARTIN INC., P.O. Box 3348, Batesville, AR 72501. Representative: Timothy Miller, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. Common; Irregular. *Such commodities as are dealt in or used by wholesale and retail discount and variety stores,* From the facilities of Wal-Mart Stores Inc. at Bentonville and Searcy, AR to the facilities of Wal-Mart Stores Inc. in the states of AL, AR, IL, KS, KY, LA, MS, MO, OK, TN and TX. Supporting shipper: Wal-Mart Stores Inc., P.O. Box 116, Bentonville, AR 71712.

MC 124141 (Sub-5–4TA), filed March 24, 1980. Applicant: JULIAN MARTIN, INC., P.O. Box 3348, Highway 25 W, Batesville, AR 72501. Representative: Timothy C. Miller, Suite 301, 1307 Dolley Madison Boulevard, McLean, VA 22101. (1) *Adhesives and caulking compounds and materials and supplies used in the sale and distribution thereof (except in bulk)* from Hutchinson, KS to Rector, AR, Atlanta, GA, St. Paul, MN, Hatfield, PA and Valencia, CA, and (2) *materials and supplies* used in the manufacture of the commodities in (1) above (except in bulk) from East Camden, AR, Atlanta and Conyers, GA, Chicago, Jacksonville and Kankakee, IL, Mishawaka, IN, Muscatine, IA and Grand Rapids, MI, Kansas City and St. Louis, MO, Ashland, Columbus and Piquo, OH, Madison, WI and Huntington, WV to Hutchinson, KS. Supporting shipper: Leech Products, Inc., 1430 West 4th Street, Hutchinson, KS 67501.

MC 125254 (Sub-5–2TA), filed March 31, 1980. Applicant: MORGAN TRUCKING CO., P.O. Box 714, Muscatine, IA 52761. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. *Equipment, materials and supplies (except commodities in bulk), used in the manufacturing or packaging of food products* from points in Indiana to the facilities of Heinz, U.S.A. at or near Muscatine and Iowa City, Iowa. Supporting shipper: Heinz, U.S.A., P.O. Box 57, Pittsburgh, PA 15230.

MC 126118 (Sub-5–10TA), filed March 31, 1980. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: David R. Parker, P.O. Box 81228, Lincoln, NE 68501. *Central air conditioning units, air handling units, heating units, and equipment, materials and supplies used in the manufacture, sale and distribution thereof,* between the facilities of General Electric Co. located at Fort Smith, AR and Tyler, TX and points in AL, CT, DE, DC, FL, ID, IL, IN, LA, MD, ME, MA, MI, MS, MT, NV, NJ, NM, NY, NH, NC, ND, OH, OK, RI, TX, UT, VT, VA, WV and WY. Supporting shipper: General Electric Co., Richard Archer, Manager of Materials, Troup Highway, Tyler, TX 75710.

MC 128007 (Sub-5–4TA), filed March 31, 1980. Applicant: HOFER, INC., 20th & 69 Bypass, P.O. Box 583, Pittsburgh, KS 66762. Representative: Larry E. Gregg, 641 Harrison Street, P.O. Box 1979, Topeka, KS 66601. *Drilling Compounds.* Between the following cities and their Commercial Zones: Gravette, AR; Bakersfield, CA; Delphi, IN; Rayne, LA; Laurel, MS; Woodbridge, NJ; Lindsay and Tulsa, OK; Beeville, Liberty, Houston, and Odessa, TX; Vernal and Bonanza, UT; and Rock Springs, WY. Restricted to the transportation of shipments originating at or destined to facilities used by Rotary Drilling Services, Inc. Supporting shipper: Rotary Drilling Services, Inc., 7255 East 46th Street, P.O. Box 45286, Tulsa, OK 74145.

MC 129328 (Sub-5–1TA), filed March 27, 1980. Applicant: PALTEX TRANSPORT CO., P.O. Box 296, Palestine, TX 75801. Representative: Kenneth R. Hoffman, Lanham, Hatchell, Sedberry & Hoffman, P.O. Box 2165 (801 Vaughn Bldg.), Austin, TX 78768. Contract; Irregular. *Paper and paper products; materials equipment and supplies used in the manufacture, sale and distribution of paper and paper products; except commodities in bulk,* between the plantsites of Sonoco Products Company at or near Arlington.

Longview and Houston, TX and Henderson, TN on the one hand, and, on the other, points in AR, LA, MS, OK and TX. Restricted to a transportation service to be provided under a continuing contract or contracts with Sonoco Products Company. Supporting shipper: Sonoco Products Company, North Second Street, Hartsville, SC 29550.

MC 133233 (Sub-5–2TA), filed March 31, 1980. Applicant: CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, P.O. Box 37308, Omaha, NE 68137. Representative: James F. Crosby, P.O. Box 37205, Omaha, NE 68137. Contract; Irregular. *Cast iron pipe, and fittings for installation,* from the facilities of Midwest Pipe Fabricators, Inc., Omaha, NE to points in MT, WY, CO, NM, ID, UT, AZ, NV, WA, OR, and CA. Supporting shipper: Midwest Pipe Fabricators, Inc., 2530 N. 85th Street, Omaha, NE 68134.

MC 134286 (Sub-5–4TA), filed April 2, 1980. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Julie Humbert (same address as above). *Facial tissues (except in bulk)* from the facilities of Stirling Converting Company located at or near Bridgewater, NJ, to the facilities of Komko Industries at Maryland Heights, MO. Supporting shipper: Mary Ann Kuhle, Stirling Converting Company, P.O. Box 29, Boundbrook, NJ 08805.

MC 134286 (Sub-5–5TA), filed April 2, 1980. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Julie Humbert (same address as above). (1) *Household appliances and (2) Materials and supplies used in the manufacture and distribution of (1) above (except commodities in bulk in (1) and (2) above)* from the facilities between Edison, Woodbridge, Linden, Avenel, Jamesburg (So. Brunswick Township), and Metuchen, NJ, on the one hand, and, on the other, points in IL, IN, OH, MI, GA, SC, TX, and KS. Restricted to traffic originating at or destined to the facilities of Edison Products Company. Supporting shipper: Everett Hatton II, Edison Products Company, Route 27 at Vineyard Road, P.O. Box 337, Edison, NJ 08817.

MC 134755 (Sub-5–2TA), filed March 31, 1980. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, MO 65804. Representative: S. Christopher Wilson, P.O. Box 3772, Springfield, MO 65804. (1) *Cardboard and cardboard products, (2). Iron and steel articles, and (3). Vinyl* from (1). New Bedford, MA, (2) Chicago, IL, and (3). Austell, GA to Springfield, MO. Supporting shipper: McBee Loose Leaf Binder Products, Division of Litton Industries, 424 North Cedarbrook, Springfield, MO 65802.

MC 135326 (Sub-5–2TA), filed March 28, 1980. Applicant: SOUTHERN GULF TRANSPORT, INC., 4277 North Market Street, Shreveport, LA 71107. Representative: M. D. Wood, 2500 McCain Boulevard, North Little Rock, AR 72116. *Industrial mineral filler (limestone chalk)* from Washington, AR to and between all points and places in MO, OK, TX, LA, MS and TN. Supporting shipper: Ozan Creek Mining Company, P.O. Box 57, Washington, AR 71862 (new plant site).

MC 135797 (Sub-5–22TA), filed March 31, 1980. Applicant: J. B. HUNT TRANSPORT, INC., Post Office Box 130, Lowell, AR 72745. Representative: Paul R. Bergant, Esq., Post Office Box 130, Lowell, AR 72745. *Textiles,* from Batesville, MS to St. Martinville, LA. Supporting shipper: Union Underwear, P.O. Box 780, Bowling Green, KY 42101.

MC 135861 (Sub-5–8TA), filed April 1, 1980. Applicant: LISA MOTOR LINES, INC., P.O. Box 4550, Fort Worth, TX 76106. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. Contract; Irregular. *(1) Plastic and vinyl building materials, siding, window profiles, insulation board, and related accessories, and (2) materials, equipment and supplies used in the manufacture and distribution of the commodities named in (1) above;* (1) from Weatherford and Saginaw, TX to points in the U.S. (except AK and HI), and (2) from points in the U.S. (except AK and HI) to Weatherford and Saginaw, TX. Supporting shipper: Master Shield, Inc. div Robintech, Inc., Box 835, Weatherford, TX 76086.

MC 135861 (Sub-5–9TA), filed April 1, 1980. Applicant: LISA MOTOR LINES, INC., P.O. Box 4550, Fort Worth, TX 76106. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. Contract; Irregular. *Foodstuffs, except in bulk,* from points in NY and NJ and San Francisco, CA, to Houston, TX. Supporting shipper: Fanci Foods, Inc., 343 Oyster Point, So. San Francisco, CA 94080.

MC 136786 (Sub-5–15TA), filed March 31, 1980. Applicant: ROBCO TRANSPORTATION, INC., P.O. Box 10375, Des Moines, Iowa, 50306. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. *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 & HI), restricted to traffic originating at or destined to the facilities of Scott and Fetzer Company and Creata-Form. Supporting shipper: The Scott and Fetzer Company, Cleveland, Ohio.

MC 136786 (Sub-5–16TA), filed March 31, 1980. Applicant: ROBCO TRANSPORTATION, INC., P.O. Box 10375, Des Moines, Iowa, 50306. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. *(1) bullets, small arms, Class C explosives and primers, (2) sporting goods and equipment;* (1) from the facilities of Omark Industries at or near Lewiston, ID, to points in the United States (except AK & HI), and (2) from the facilities of Omark Industries at or near Oroville, CA to points in the United States (except AK and HI). Supporting shipper: Omark Industries, Cleveland, Ohio.

MC 139923 (Sub-5–1TA), filed March 31, 1980. Applicant: MILLER TRUCKING CO., INC., P.O. Box Drawer "D", Stroud, OK 74079. Representative: Jack H. Blanshan, Attorney at Law, 205 West Touhy Avenue, Suite 200, Park Ridge, IL 60068. (1) *Canned goods and frozen foods* from points in CA to facilities of The Kroger Company at Atlanta, GA; Charleston, WV; Cincinnati, Columbus and Solon, OH; Houston, Irving and San Antonio, TX; Detroit and Grand Rapids, MI; Fort Wayne and Indianapolis, IN; Little Rock, AR; Louisville, KY; Memphis and Nashville, TN; Peoria, IL; Pittsburgh, PA; Salem, VA; St. Louis, MO; and Kansas City, KS; and points in the Commerical zones of the respectively names cities; (2) *frozen foods* from Kansas City, KS, and points in its commerical zone to the facilities of The Kroger Company at Atlanta, GA; Charleston, WV; Cincinnati, Columbus and Solon, OH; Houston, Irving and San Antonio, TX; Detroit and Grand Rapids, MI; Fort Wayne and Indianapolis, IN; Little Rock, AR; Louisville, KY; Memphis and Nashville, TN; Peoria, IL; Pittsburgh, PA; Salem, VA; and St. Louis, MO and points in their commerical zones; and (3) *Grocery carts* from Burbank, CA, and points in ts commerial zone to the facilities of The Kroger Company at points in AL, AR, GA, IL, IN, KS, KY, LA, MI, MO, MS, NC, OH, OK, PA, SC, TN, TX, VA and WV. Supporting shipper: The Kroger Company, 1014 Vine Street, Cincinnati, OH. 45201.

MC 140709 (Sub-5–1TA), filed March 31, 1980. Applicant: FRANKHAUSER BROS. INC., 139 Hillside, El Dorado, KS. 67042. Representative: Clyde N. Christey, Ks Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS. 66612. *Part (1) liquid fertilizer,* from the

Commerical zone of El Dorado, KS to points in OK and those points in MO south of US Hwy 50 and west of MO Hwy No. 19. *Part (2) liquid fertilizer solutions, urea and anhydrous ammonia,* from the facilities of Terra Chemical Co., at or near Woodward, OK to points in KS; MO & TX *Part (3) liquid fertilizer,* from the facilities of N–REN at or near Pryor, OK to points in KS and points in MO south of US Hwy No. 19. *Part (4) dry fertilizer,* from the facilities of Kasier Agricultural Chemicals, a division of Kaiser Aluminum & Chemical Sales, Inc. at or near Pryor, OK to points in KS and points in MO south of US Hwy 50 and west of MO Hwy No. 19. Supporting shippers: Pro-Mar, Inc., P.O. Box 817, El Dorado, KS. 67042. Kaiser Agricultural Chemicals, P.O. Box 65697, West Des Moines, IA 50265. W. R. Grace & Co., P.O. Box 277, Memphis, TN 38101.

MC 140829 (Sub-5–11TA), filed March 31, 1980. Applicant: CARGO, INC., P.O. Box 206, US Hwy 20, Sioux City, IA 51102. Representative: David L. King, Vice President, P.O. Box 206, US Hwy 20, Sioux City, IA 51102. *Paper and paper articles,* from Columbus, GA to Kansas City, Lawrence, Leavenworth and Topeka, KS and Kansas City, MO; restricted to the tranportation of traffic origninating at the faciliites utilized by Hallmark Cards, Inc. and destined to the indicated destinations. Supporting shipper: Hallmark Cards, Inc., P.O. Box 361, Liberty, MO 64068.

MC 140829 (Sub-5–9TA), filed March 31, 1980. Applicant: CARGO, INC., P.O. Box 206, US Hwy 20, Sioux City, IA 51102. Representative: David L. King, Vice President, P.O. Box 206, US Hwy 20, Sioux City, IA 51102. *Paper and paper articles,* from Dallas, TX to points in CO, IN, KS, KY, MO, NE, OK and TN. Supporting shipper: Paper Tech, Inc., 4924 Woodall Street, Dallas, TX 75247.

MC 141676 (Sub-5–8TA), filed March 7, 1980. Applicant: J. D. AND BILLY HINES TRUCKING, INC., Moores Highway, Prescott, AR 71857. Representative: J. D. Hines, Moores Highway, Prescott, AR 71857. Contract; Irregular. *Wood chips, bark, saw dust and shavings thereof,* from the facilities of Edward Hines Lumber Co. at or near Nashville, Howard County, AR to points in McCurtain County, OK, Ouachita, Union, and Lincoln Parishes in LA and Bowie County, TX. Supporting shipper: Edward Hines Lumber Co., P.O. Box 69, Hope, AR, 71801.

MC 142364 (Sub-5–6TA), filed March 31, 1980. Applicant: KENNETH SAGELY, d.b.a. SAGELY PRODUCE, P.O. Box 368, Van Buren, AR 72956. Representative: Don Garrison, Esq. P.O. Box 1065, Fayetteville, AR 72701. *Such merchandise as is dealt in or used by wholesale and retail grocery stores* between the facilities of Griffin Wholesale Grocery Distributrors, at or near Van Buren, AR, on the one hand, and, on the other, points in the United States (except AK and HI). Supporting shipper: Griffin Wholesale Grocery Distributors, P.O. Box 126, Van Buren, AR 72956.

MC 142857 (Sub-5–1TA), filed March 31, 1980. Applicant: MCC TRANSPORTATION CO., INC., Route 2, Box 107–B, Hope, AR 71801. Representative: Mark J. Andrews, Suite 1100, 1660 L Street, N.W., Washington, DC 20036. Contract, irregular, (1) *malt beverages* and *related advertising materials,* from the facilities of Adolph Coors Co. in Jefferson County, CO to points in AR, and (2) *empty used beverage containers* and *materials and supplies used in and dealt with by breweries,* in the reverse direction, under continuing contract(s) with distributors of Adolph Coors in AR. Supporting shippers: Adoplph Coors Co., Golden, CO 80401; Bolls Distribution Co., Inc., 700 E. Broad Street, Texarkana, AR 75502; Coors of Southwest AR, Inc., 147 Pebble Beach Drive, Little Rock, AR 72212; South Central Coors of AR, Inc., 918 Garland, Little Rock, AR; Coors of Western AR, Inc., P.O. Box 1444, Fayettevile, AR 72701, and Coors of Eastern AR, Inc., 1707 Eagle Drive, W. Memphis, AR 72301.

MC 144622 (Sub-5–7), filed March 31, 1980. Applicant: GLENN BROTHERS TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Phillip G. Glenn (same address as applicant). *Ladders, scaffolding, work and lift platforms, parts and the materials and supplies used in the manufacture and distribution thereof except in bulk* between Wooster, OH on the one hand, and, points in the United States (except AK and HI) on the other hand. Supporting shipper: Bauer Corporation, 1505 East Bowman Road, Wooster, OH 44691.

MC 145878 (Sub-No. 5–1), filed April 2, 1980. Applicant: JOHNNY KNOL TRUCKING COMPANY, INC., Route 1, Box 105–X, Oklahoma City, Oklahoma 73111. Representative: C. L. Phillips, Room 248—Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. *Pumps, Plastic Pipe, Materials, Supplies and Equipment used in connection with agricultural water well pump systems in shipper owned trailers.* From Oklahoma City, OK to Amarillo, Dallas, and San Antonio, TX, Wichita, KS, and Fort Smith, AR. Supporting shipper: Modern Pipe Inc., 600 East California, Oklahoma City, OK 73104.

MC 148035 (Sub-5–2TA), filed April 2, 1980. Applicant: QUANDT TRANSPORT SERVICE, INC., 2606 North 11th Street, Omaha, NE 68110. Representative: Arlyn L. Westergren, Westergren & Hauptman, P.C., Suite 106, 7101 Mercy Road, Omaha, NE 68106. *Common, irregular; Fuels, in bulk, in tank vehicles,* from Omaha, NE to Rockport, MO and from Rockport, MO to Auburn, NE. Supporting shipper: American Agri-Fuels Corporation, Suite 1010; 1006 Grand, Kansas City, MO 64106.

MC 148291 (Sub-No. 5–1TA), filed March 31, 1980. Applicant: RAZORBACK EXPRESS, INC., P.O. Box 1773, Harrison, AR 72601. Representative: Jay C. Miner, P.O. Box 313, Harrison, AR 72601. *general commodities, except commodities in bulk,* those of unusual value, Classes A and B explosives, household goods, as defined by the Commission and those requiring special equipment; between Harrison, AR, and Tulsa, OK, and points in their respective commercial zones, serving all intermediate points in AR, and points in their respective commercial zones, and the off-route point of Rogers, AR and points in its commercial zone; from Harrison over U.S. Hwy 62 to junction AR Hwy 68, then over AR Hwy 68 to the AR-OK state boundary line, then over OK Hwy 33 to Tulsa and return over the same route.

Applicant intends to tack this authority with presently held authority and to interline at Harrison, Fayetteville, Springdale, AR and Tulsa, OK. Supporting shippers: There are 24 supporting shippers.

MC 148819 (Sub-5–2TA), filed March 21, 1980. Applicant: G and J TRUCKING, INC., P.O. Box 4201, 3701 Spradling Avenue, Ft. Smith, AR 72914. Representative: Jay C. Miner, P.O. Box 313, Harrison, AR 72601. Contract; Irregular. *Wire and steel products and materials and supplies used in the manufacture of wire and steel products* between the facilities of Southern Steel and Wire Company in Ft. Smith, AR, on the one hand, and, on the other, points in CO, KS, OK, TX, AR, TN, NC, KY, OH, IN, MI, IL, IA, MO, AL, SC, LA, GA and MS. Supporting shipper: Southern Steel and Wire Company, 3501 S. Tulsa, Ft. Smith, AR 72901.

MC 149157 (Sub-5–1TA), filed March 21, 1980. Applicant: STYLE CRAFT TRANSPORT, INC., Highway 71 South, Milford, IA 51351. Representative: Foster L. Kent, P.O. Box 1017, Omaha, NE 68101. Contract; Irregular. *Fishing tackle and fishing rods, in boxes, crates, containers or packages.* from Seattle, WA, to Spirit Lake, IA, restricted to

transportation of shipments having a prior movement via air or water. Supporting shipper: Berkley & Company, Inc., Highway 9 & 71, Spirit Lake, IA 51360.

MC 149169 (Sub-5–2TA), filed February 22, 1980. Applicant: INTERCOASTAL CONTAINER SERVICE CORP., 2003 MacArthur Drive, P.O. Box 1770, Orange, Texas 77630. Representative: John P. Jones, III, 715 Church Street, Beaumont, Texas 77005. *General commodities in export containers* between the Beaumont, TX Commercial Zone and the Houston, TX Commercial Zone, restricted to traffic having a prior or subsequent movement by water in interstate commerce. Supporting shipper: Schenekers International Forwarders, Inc., 1121 Walker Street, Houston, TX 77002.

MC 150097 (Sub-5–1TA), filed February 22, 1980. Applicant: RONALD W. COGBURN, Rte. 2. Box 151KC, Bastrop, TX 78602. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. *Fruit juices, nuts, seeds, dried fruits, grains, oils, foodstuffs, and related healthfood items, in cans, bottles and packages,* from Los Angeles, Chico and Emeryville, CA, to Austin, TX; and from Hereford, TX to New Orleans, LA. Supporting shipper: Texas Health Distributors, 4501 Guadalupe St., Suite 109, Austin, TX 78751.

MC 150311 (Sub-5–5TA), filed April 1, 1980. Applicant: P & L MOTOR LINES, INC., P.O. Box 4616, Fort Worth, TX 76106. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. (1) *Plastic and vinyl building materials, siding, window profiles, insulation board, and related accessories,* and (2) *materials, equipment and supplies used in the manufacture and distribution of the commodities named in (1) above;* (1) from Weatherford and Saginaw, TX to points in the US (except AK & HI), and (2) from points in the US (except AK & HI) to Weatherford and Saginaw, TX. Supporting shipper: Master Shield, Inc. div. Robintech, Inc., P.O. Box 835, Weatherford, TX 76086.

MC 150376 (Sub-5–3TA), filed March 24, 1980. Applicant: C & M CARTAGE COMPANY, INC., 1911 N.W. First Street, Oklahoma City, Oklahoma 73106. Representative: Greg E. Summy, P.O. Box 1540, Edmond, Oklahoma 73034. *Oilfield drilling mud additives, except in bulk,* from the facilities of Arnold & Clarke Chemical Company, at or near Houston, TX to Lindsay, Oklahoma City and Shattuck, OK. Supporting shipper: Arnold & Clarke Chemical Company, 1010 East Reno, Oklahoma City, OK.

MC 150440 (Sub-5–1TA), filed March 31, 1980. Applicant: UNIVERSAL EXPRESS, LTD., 536 S. 19th Street, West Des Moines, Iowa 50265. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. *Household and commercial laundry and kitchen appliances and parts and materials used in the repair or manufacture of such appliances (except commodities in bulk, in tank vehicles);* between Newton, IA, on the one hand, and, on the other, points in DC, DE, IN, KS, KY, MD, MI, MO, NJ, NC, OH, OK, PA, SC, TX, VA and WV. Supporting shipper: The Maytag Company, Newton, Iowa 50268.

MC 150449 (Sub-5–1), filed March 31, 1980. Applicant: JAMES COCHRAN, d.b.a. COCHRAN FARMS, R. R. #2, Adel, Iowa 50003. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. *Wood trusses,* from the facilities of Adel Truss Products, Inc. at or near Adel, IA, to points in IL, KS, MN, MO, NE, SD and WI. Supporting shipper: Adel Truss Products, Inc.

MC 150450 (Sub-5–1TA), filed March 31, 1980. Applicant: WILLIAM C. COBURN, an individual, 1004 Hickory Avenue, Berryville, AR 72616. Representative: Jay C. Miner, P.O. Box 313, Harrison, AR 72601. *Livestock feed and supplements,* from Springfield, MO to points in Carroll, Boone and Madison Counties, AR. Supporting shipper: Farm Supply Cooperative, Inc., Highway 21 South, Berryville, AR 72616.

MC 150454 (Sub-5–1TA), filed March 31, 1980. Applicant: DAVID J. BEIDLER d.b.a. BEIDLER TOWING, 936 White Street, Dubuque, IA 52001. Representative: Carl E. Munson, 469 Fischer Building, Dubuque, IA 52001. *(1) Disabled and repossessed motor vehicles; and (2) Replacement vehicles for disabled motor vehicles,* between Dubuque, IA, on the one hand, and, on the other, points in IL and WI. Supporting shippers: There are six shippers supporting application.

MC 150466 (Sub-5–1TA), filed April 2, 1980. Applicant: LYLE MOLYNEUX & SONS., INC., R.R. 1, What Cheer, IA 50268. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. *Fertilizer, in bulk,* from points in MO and IL to points in IA. Supporting shipper: Kaiser Agricultural Chemicals, Box 228, Keota, IA 52248.

MI 50469 (Sub-5–1TA), filed April 2, 1980. Applicant: BELCO, INC., 2101 West Main Street, Jacksonville, AR 72076. Representative: Ron Harvey, 2101 West Main Street, Jacksonville, AR 72076. (501) 982–6511. Contract carrier, irregular route, *sheet steel tanks, sprayers, poultry and livestock equipment and accessories thereof;* between the facilities of H. D. Hudson Manufacturing plants at Hastings, MN; Overland Park, KS; Rockford, IL; Oshkosh, WI; and Ravenna, OH on the one hand and to points in the states of Arkansas, Mississippi, Texas, Louisiana, and Oklahoma on the other hand. Supporting shipper: H. D. Hudson Manufacturing Co., 500 North Michigan Avenue, Chicago, IL 60611.

The following applications were filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 40915 (Sub-6–1TA), filed March 28, 1980. Applicant: BOAT TRANSIT, INC., P.O. Box 1403, Newport Beach, CA 92663. Representative: John T. Wirth, 717—17th Street, Suite 2600, Denver, CO 80202. *Pickup truck campers,* from the facilities of The Coleman Company, Inc. at Somerset, PA to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY, for 180 days. Supporting shipper: The Coleman Company, 250 North St. Francis, Wichita, KS 67210.

MC 150456 (Sub-6–1TA), filed March 31, 1980. Applicant: DAN CHAMBERS TRUCKING, LTD., P.O. Box 400, Lumby, B.C., Canada. Representative: George R. LaBissoniere, 1100 Norton Building, Seattle, Washington 98104. *Wood Residuals,* from Ports of Entry on the U.S./Canada International Boundary line at or near Oroville, WA to Pateros and Omak, WA for 180 days. Supporting shipper: Crown Zellerback, 1500, S.W. 1st Avenue, Portland, Oregon 97201.

MC 140409 (Sub-6–1TA), filed March 28, 1980. Applicant: CIRCLE B TRANSPORTATION CORPORATION OF NORTH DAKOTA, P.O. Box 207, Wheatridge, Colorado 80033. Representative: Al Lagerheim (same as applicant). (1) *Malt beverages and related advertising matter,* from points in Jefferson County, Colorado to all points in the states of AZ, AR, ID and TX; and (2) *empty used beverage containers and materials, equipment and supplies used in or dealt in by brewery manufacturing facilities,* from all points in the states of AZ, AR, ID and TX to points in Jefferson County, Colorado, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: L. Bonner, Transportation Director, Coors Industries, Golden, CO 80401.

MC 140409 (Sub-6–2TA), filed March 31, 1980. Applicant: CIRCLE B TRANSPORTATION CORPORATION OF NORTH DAKOTA, P.O. Box 207, Wheatridge, Colorado 80033. Representative: Al Lagerheim (same as applicant). (1) *Foodstuffs; cooked, cured, preserved or prepared frozen,* from Fullerton, La Habra and Anaheim CA

and Laramie, WY to AL, AZ, CA, FL, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MO, NE, NJ, NM, NC, OR, OH, OK, PA, SC, TN, TX, UT, WA, WI, WY and the District of Columbia; and (2) *Foodstuffs; cooked, cured, preserved or prepared frozen,* from the states of AL, AZ, CA, FL, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MO, NE, NJ, NM, NC, OR, OH, OK, PA, SC, TN, TX, UT, WA, WI, WY and the District of Columbia to Fullerton, La Habra and Anaheim, CA and Laramie, WY, for 180 days. Supporting shipper: R. M. Brown, Distribution Manager, Packers Cold Storage, Inc., 310 East Walnut Avenue, Fullerton, CA 92632.

MC 150259 (Sub-6–3TA), filed March 28, 1980. Applicant: CLARK TANK LINES COMPANY, 1450 Beck Street, Salt Lake City, UT 84110. Representative: Melvin J. Whitear (same as applicant). *Contract Carrier:* Irregular routes: *Sulphur,* from Mountain Fuel Supply Company near Mountain View, WY, to Conda and Don, ID, for the account of Mountain Fuel Supply Company, for 180 days. Supporting shipper: Mountain Fuel Supply Company, 180 East 1st South, Salt Lake City, UT 84111.

MC 136407 (Sub-6–2TA), filed March 31, 1980. Applicant: COORS TRANSPORTATION COMPANY, 5101 York Street, Denver, CO 80216. Representative: Leslie R. Kehl, Jones, Meiklejohn, Kehl & Lyons, 1600 Lincoln Center, 1660 Lincoln Street, Denver, CO 80264. *Contract Carrier:* Irregular routes; (1) *Malt beverages* from points in Jefferson County, CO to Fayetteville, Fort Smith, Little Rock, Pine Bluff, Texarkana, and West Memphis, AR; (2) *Equipment, materials and supplies* used and dealt in by breweries from points in AR to points in Jefferson County, CO; (3) *Charcoal* from Paris, AR to Denver and Grand Junction, CO; Restriction: The authority in (1) and (2) is limited to a transportation service to be performed under a continuing contract(s) with Adolph Coors Company, and the authority in (3) is limited to a transportation service to be performed under a continuing contract(s) with King Sooper Discount Division of Dillon Company, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Adolph Coors Company, Golden, CO 80401; King Sooper Discount Division of Dillon Company, Inc., P.O. Box 5567 T.A., Denver, CO 80217.

MC 150434 (Sub-6–2TA), filed April 1, 1980. Applicant: COUNTRY WIDE TRUCK SERVICE, INC., 1110 S. Reservoir Street, Pomona, CA 91766. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. *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) which are at the time moving on bills of lading issued by ABC–TNT, a freight forwarder as defined in Section 10102 (8) of the Interstate Commerce Act, between points in OR, CA, and WA on the one hand, and, on the other, points in CT, NY, NJ, MA, VA, PA, MI, IL, IN, OH, and DE, for 180 days. Supporting shipper: ABC Trans National Transport, Inc., P.O. Box 3266, Anaheim, CA 92803.

MC 144344 (Sub-6–1TA), filed March 28, 1980. Applicant: DE ANZA DELIVERY SYSTEM, INC., P.O. Box 1119, San Jose, CA 95108. Representative: James H. Gulseth, Loughran & Hegarty, 100 Bush St., 21st Floor, San Francisco, CA 94104. *Personal care products, nutritional food supplements, vitamins, candy and household cleaning products,* between Hayward, CA, on the one hand, and, on the other, Reno, NV and points within sixty miles of Reno, NV, for 180 days. Restricted to commodities originating at or destined to the Shaklee Corporation facilities at Hayward, CA and (1) interlined at Reno, NV for movement from or to CO, UT, ID, WY and NE, or (2) destined for home delivery at Reno, NV and points within sixth miles of Reno, NV. An underlying ETA seeks 90 days authority. Supporting shipper: Shaklee Corporation, 1900 Powell Street, Emeryville, CA 94608.

MC 56640 (Sub-6–1TA), filed March 28, 1980. Applicant: DELTA LINES, INC., 333 Hegenberger Road, Oakland, CA 94621. Representative: Donald E. Fernaays, 4040 East McDowell Road, Suite 320, Phoenix, AZ 85008. *Such commodities as are dealt in by wholesale, retail, and chain grocery and food business houses* (except frozen commodities and commodities in bulk), from Fairfield, Oakland, and San Leandro, CA, to points in Washington for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: The Clorox Company, 1221 Broadway, Oakland, CA 94612.

MC 115826 (Sub-6–5TA), filed March 31, 1980. Applicant: W. J. DIGBY, INC., 6015 East 58th Avenue, Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). (1) *Edible and inedible oils, ester, cleaning and working compounds, wax, textile softeners, fireproofing compounds, fatty acids, azelaic acid, pelargonic acid, chemicals* (except in bulk); (2) *materials and supplies* used in the manufacturing, sale and distribution of the commodities described in (1) (except in bulk), between the facilities of Emery Industries, Inc. at or near Santa Fe Springs and Los Angeles, CA, Cincinnati, OH, Lock Haven, PA, Mauldin, SC and Linden, NJ, on the one hand, and, on the other, points in the United States (except AK and HI) for 180 days. Supporting shipper: Emery Industries, Inc., 1300 Carew Tower, Cincinnati, OH 45202.

MC 115826 (Sub-6–6TA), filed March 31, 1980. Applicant: W. J. DIGBY, INC., 6015 East 58th Avenue, Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). *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 Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, (A) from the facilities of Monfort of Colorado, Inc. at or near Grand Island, NE to points in the United States (except AL and HI); (B) from the facilities of Monfort of Colorado, Inc. at or near San Angelo, TX to the facilities of Monfort of Colorado, Inc. at or near Grand Island, NE for 180 days. Supporting shipper: Monfort of Colorado, Box G, Greeley, CO 80632. An underlying ETA seeks 90 days authority.

MC 124679 (Sub-6–11TA), filed March 31, 1980. Applicant: C. R. ENGLAND AND SONS, INC., 975 West 2100 South, Salt Lake City, Utah 84119. Representative: Michael L. Bunnell (same as applicant). *Foodstuffs* from Idaho Falls, Idaho to points in California for 180 days. Supporting shipper: Idaho Fresh-Pak, P.O. Box 130, Lewisville, Idaho 83431.

Note.—Applicant holds motor contract carrier authority in MC 128813 and sub numbers thereunder, therefore dual operations may be involved. An underlying ETA seeks 90 days authority.

MC 125433 (Sub-6–16TA), filed March 27, 1980. Applicant: F–B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same as applicant). *Foodstuffs,* (1) from Battle Creek, MI, Lancaster, OH and Sharonville, OH to points in CO, UT and OK; and (2) from Louisville, KY to points in TX, PA, NJ, NY, CT, RI and MA. Restriction: Restricted against the transportation of foodstuffs in vehicles equipped with mechanical refrigeration and further restricted to traffic originating at the facilities utilized by Ralston Purina, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Ralston Purina, Checkerboard Square, St. Louis, MO 63188.

MC 140193 (Sub-6–1TA), filed March 31, 1980. Applicant: RICH GRANT, INC.,

910 West 24th Street, Ogden, UT 84401. Representative: Miss Irene Warr, 430 Judge Building, Salt Lake City, UT. *Contract,* Irregular routes: *Meat, meat products, and meat by-products and articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides, inedible tallow, and commodities in bulk), from points in IA, MN, and NE to points in UT under a continuing contract(s) with Dean & Co. for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Dean & Co., 1375 Industrial Road, Salt Lake City, UT.

MC 141548 (Sub-6–3TA), filed March 28, 1980. Applicant: INTERIOR TRANSPORT, INC., P.O. Box 3347, Spokane, WA 99220. Representative: George H. Hart, 1100 IBM Building, Seattle, WA 98101. *Sprinkler systems, K.D.; parts, components and accessories* from points in El Paso County, Colorado to points in and west of Michigan, Ohio, Indiana, Illinois, Missouri, Arkansas, and Texas except Colorado, Alaska, and Hawaii for 180 days. Supporting shippers: Tumac Industries, Inc., 650 Ford Street, Colorado Springs, CO 80915; A & B Steel, Inc., P.O. Box 67, Colorado Springs, CO 80901.

MC 150455 (Sub-6–1TA), filed March 31, 1980. Applicant: M. DENNIS JONES, d.b.a. DENNY'S WRECKER SERVICE, 4705 Yellowstone Avenue, Pocatello, Idaho 83201. Representative: (same as applicant). *Damaged, disabled and/or repossessed vehicles and/or motorized equipment and contents,* between the point of *storage* located in the states of ID, MT, and WY, to points in the United States for 180 days. There are 6 supporting shippers.

MC 150438 (Sub-6–1TA), filed March 28, 1980. Applicant: JAFCO INDUSTRIES INC., 8015 North Market St., Spokane, WA 99220. Representative: Frank J. Pagnotta (same address as applicant). *Contract carrier,* irregular routes: (1) *Lumber and lumber products,* from points in WA including ports of entry on the International Boundary line between the U.S. and Canada located in WA, to points in MT, OR, WA, and CA for the accounts of Tolko Forest Products, Wales Lumber Co., and Hern Lumber and Sawmills Co.; (2) *non-metallic minerals for feed and fertilizers* from Greenacres, WA, to points in OR and ID for the account of Greenacres Gypsum & Lime Company; and (3) *dry-wall products, accessories and supplies* from Spokane, Woodinville, Pasco, WA, and Post Falls, ID, to points in WA, ID, and OR for the account of G & W Drywall Supply, for 180 days. Supporting shippers: There are 5 shippers. Their statements may be examined at the office listed below.

MC 730 (Sub-6–2TA), filed March 31, 1980. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 25 No. Via Monte, Walnut Creek, CA 94598 (Mailing address: P.O. Box 8004, Walnut Creek, CA 94596) Representative: R. N. Cooledge (same as applicant). *Asphalt sealer,* in bulk, in tank vehicles, from Salt Lake City, UT to points in KS for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: AAC, Inc., Post Office Box 3405, Lawrence, KS.

MC 135082 (Sub-6–4TA), filed March 28, 1980. Applicant: ROADRUNNER TRUCKING, INC., P.O. Box 26748, Albuquerque, NM 87125. Representative: J. B. Martin (same as applicant). *Iron and steel articles,* from Portland, OR to Denver, CO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Northwest Pipe and Casing Co., P.O. Box 38, Clackamas, OR 97015.

MC 124692 (Sub-6–3TA), filed March 28, 1980. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, MT 59806. Representative: James B. Hovland, Suite M–20, 400 Marquette Avenue, Minneapolis, MN 55402. *Pre-fabricated metal buildings, knocked down, component parts and accessories therefor,* from the facilities of American Buildings Co. at or near Carson City, NV to points in WA, OR, ID, MT, CA, CO, UT and AZ, for 180 days. Supporting shipper: American Buildings Co., Box 1768, Carson City, NV 89701.

MC 150457 (Sub-6–1TA), filed March 28, 1980. Applicant: SARAI ENTERPRISES, LTD., 12163 Old Yale Road, Surrey, B.C., CD V3V 3X6. Representative: Wallace Aiken, Attorney at Law, 1215 Norton Bldg., Seattle, WA 98104. *Contract carrier:* irregular routes *Lumber and lumber products* between ports of entry on the International Boundary line between the U.S. and Canada located in WA and points in WA, for 180 days. Supporting shipper: James R. Hemphill, Sales Manager, Capilano Timber Company Limited, P.O. Box 130, New Westminster, B.C., Canada V3L 4Y4.

MC 138875 (Sub-6–5TA), filed April 1, 1980. Applicant: SHOEMAKER TRUCKING COMPANY, an Idaho corporation, 11900 Franklin Road, Boise, Idaho 83709. Representative: F. L. Sigloh (same as applicant). *Iron oxide (except in bulk),* from Milwaukee, WI to points in ID, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Monte J. Sallee, Buyer, Wholesalers, Inc., 1300 E. Franklin Road, Meridian, ID 83642.

MC 141867 (Sub-6–2TA), filed March 28, 1980. Applicant: SPECIALIZED TRUCKING SERVICE, INC., 2301 Milwaukee Way, Tacoma, WA 98421. Representative: Ronald R. Brader (same as applicant). *Commodities as are dealt in or used by the manufacturers of pallets, bins and containers,* between points in the states of WA, OR, ID, UT, NV and MT, for 180 days. Supporting shipper: Precision Wood Products, Inc., 4303 Fruit Valley Rd., Vancouver, WA 98660.

MC 136818 (Sub-6–3TA), filed March 31, 1980. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 335 West Elwood Road., P.O. Box 3902, Phoenix, AZ 85030. Representative: Donald E. Fernaays, 4040 East McDowell Road, Suite 320, Phoenix, AZ 85008. (1) *Furniture* (crated and uncrated), (2) *furniture parts,* and (3) *materials, equipment and supplies* used in the manufacture of (1) and (2) above (except commodities in bulk), from Phoenix, AZ, and its commercial zone, to points in the United States (except AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Gabriel Manufacturing, 110 N. Perry Lane, Tempe, AZ; Arizona Woodcraft, Inc., 2200 W. Filmore Ave., Phoenix, AZ 85009; Woodstuff Manufacturing, Inc., 1635 S. 35th Ave., Phoenix AZ 85009.

MC 12376 (Sub-6–1TA), filed March 31, 1980. Applicant: TENNYSON TRANSFER & STORAGE, INC., 4910 Irving St., Boise, Idaho, 83706. Representative: W. L. Woolley (same address as applicant). *General commodities manufactured and/or distributed by Amway Corporation* from Boise, Idaho to points in Ada, Canyon, Gem, Elmore and Payette Counties in Idaho for 180 days. The right to interline at Boise, ID is sought. Supporting shipper: W. A. Wood, Transportation Supervisor, Amway Corporation, 7250 South 228th St., Kent, Washington 98031.

MC 26396 (Sub-6–4TA), filed April 1, 1980. Applicant: THE WAGGONERS TRUCKING, P.O. Box 31357, Billings, Montana 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebraska 68501. *Drilling mud and drilling mud additives* (except in bulk) from points in CA, CO, MT, NV, ND, SD, UT and WY to ports of entry on the International Boundary line between the United States and Canada located in MT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: United Mud Supply, Ltd., 4316 D 64th Avenue S.E., Clagary, Alberta T3C 2B3.

MC 110325 (Sub-6–31TA), filed March 31, 1980. Applicant: TRANSCON LINES, P.O. Box 92220, Los Angeles, CA 90009. Representative: Wentworth E. Griffin, Midland Building, 1221 Baltimore Avenue, Kansas City, MO 64105. *Common carrier:* regular routes: *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Siemens-Allis, Inc., at or near Wendell, NC, as an off-route point in connection with carrier's otherwise authorized regular route operations, for 180 days.

Note.—Applicant proposes to tack the authority sought with its authority in MC–110325 and Subs thereto, and proposes to inter-line with other motor carriers. Supporting shipper: Siemens-Allis, Inc., 801 S. 60th Street, West Allis, WI.

MC 141804 (Sub-6–22TA), filed March 28, 1980. Applicant: WESTERN EXPRESS, Division of Interstate Rental, Inc., 4015 Guasti Road, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same as applicant). *Cat Litter,* from Wrens, GA to Dallas and Houston, TX, Little Rock, AR, Memphis, TN, Oklahoma City, OK and St. Louis, MO and their respective commercial zones, for 180 days. Supporting shipper: Vernon W. Bender, Inbound Planning, Target Stores, 777 Nicollet Mall, Minneapolis, MN 55402.

MC 141804 (Sub-6–23TA), filed March 28, 1980. Applicant: WESTERN EXPRESS, DIVISION of Interstate Rental, Inc., 4015 Guasti Road, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same as applicant). *Furniture* from the facilities of Silver Manufacturing, at or near Knoxville, TN to points in WY, CO and points in and east of ND, SD, NB, KS, OK and TX (except TN), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Jim Atkins, Traffic Manager, Silver Manufacturing, 2742 Hancock Street, Knoxville, TN 37917.

MC 150414 (Sub-6–2TA), filed March 25, 1980. Applicant: WOOD'S VAN LINES, INC., 733 Auzerais Avenue, San Jose, CA 95126. Representative: Ronald C. Chauvel, Handler, Baker, Greene & Taylor, P.C., 100 Pine Street, Suite 2550, San Francisco, CA 94111. *Used household goods,* between Fresno, Madera, Merced, Stanislaus, Sacramento, Yolo, Solano, Napa, Marin, Contra Costa, Alemeda, Santa Clara, San Mateo, San Francisco, Sonoma, Mendocino, San Joaquin, San Luis Obispo, Monterey, Santa Cruz, San Benito, and Tulare Counties, CA, restricted to the transportation of traffic having prior or subsequent movement in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating and decontainerization of such traffic, for 180 days. Supporting shipper: Milo Import & Sales Co., Inc., 766 Valencia Street, San Francisco, CA 94110.

MC 89684 (Sub-6–2TA), filed March 31, 1980. Applicant: WYCOFF COMPANY, INCORPORATED, 560 South 300 West, Salt Lake City, UT 84110. Representative: John J. Morrell (same as applicant). *Common Carrier:* Regular routes: *Medical supplies, bandages, syringes, sutures, orthopedic goods, braces and related items,* between Colorado Springs, CO and Denver, CO over I–25, for Bergen Brunswig Medical/Surgical, including the right to tack, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Bergen Brunswig Medical/Surgical, 4920 North Park Dr., Colorado Springs, CO 80907.

MC 143775 (Sub-6–4TA), filed March 31, 1980. Applicant: PAUL YATES, INC., 6601 W. Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke (same as applicant). *Truck bodies* from Chattanooga, TN, to Phoenix, AZ. for 180 days. Supporting shipper: Michael Dettmer, Sales Manager, Western Truck Equipment Company, 2400 S. 14th Street, Phoenix, AZ 85036.

MC 125433 (Sub-6–13TA), filed March 17, 1980. Applicant: F–B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). (1) *Building and construction materials* (except in bulk), and (2) *materials and supplies used in the manfacture and distribution of construction materials* (except in bulk), between the facilities of The Celotex Corporation, a Jim Walter Company, at or near Tracy, CA, on the one hand, and, on the other, points in the United States in and west of MN, IA, MO, AR, and LA, for 180 days. Supporting shipper: Jim Walter Corporation, 1500 North Dale Mabry Highway, Tampa, FL 33607.

MC 135221 (Sub-6–1TA), filed March 17, 1980. Applicant: DICK SIMON TRUCKING, INC., P.O. Box 26724, Salt Lake City, UT 84125. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth St., N.W., Washington, D.C. 20005. (a) *Toilet preparations and soaps* from Burbank CA, to points in WA, OR, CO, ID, MT, UT, AZ, NM, and TX and (b) *Materials, equipment and supplies used in the manufacture and distribution of toilet preparations and soaps* (Except commodities in bulk) from Des Plaines, IL, and Cincinatti, OH, to Burbank, CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: The Andrew Jergens Company, 99 West Verdugo Ave., Burbank, CA 91502.

MC 149238 (Sub-6–1TA), filed March 17, 1980. Applicant: TRANS-SOUTHWEST CARRIERS INC., 1074 South 500 West, Salt Lake City, UT 84101. Representative: Lee Redman (same address as applicant). *Contract carrier:* irregular routes: *Used motor vehicles, used equipment and machinery, used parts and accessories, and freight all kinds as purchased or sold by a used equipment and motor vehicles dealer,* except hazardous materials between points in AZ, CA, CO, ID, MT, NE, NV, NM, OK, OR, TX, WA, and WY on the one hand, and on the other, Salt Lake City, UT, for the account of Equipment Sales Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Equipment Sales Inc., 1074 South 500 West, Salt Lake City, UT 84101.

MC 42092 (Sub-6–1TA), filed March 31, 1980. Applicant: ACME INTER-CITY FREIGHT LINES, 3414 2nd Avenue South, Seattle, WA 98134. Representative: George H. Hart, 1100 IBM Building, Seattle, WA 98101. (1) *General commodities,* except those of unusual value, Class A & B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring the use of special equipment, and those injurious or contaminating to other lading (a) between Mt. Vernon, WA and Anacortes, WA and their respective commercial zones, serving all intermediate points, over regular routes as follows: From Mt. Vernon, WA over SSR 538 to Junction SSR 536, thence over SSR 536 to junction SSR 20, thence over SSR 20 to Anacortes, WA and return over the same route. (b) Between Burlington, WA and Anacortes, WA and their respective commercial zones, serving all intermediate points, over regular route as follows: From Burlington, WA over SSR 20 to Anacortes, WA and return over the same route. (2) *General Commodities,* except those of unusual value, Class A & B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring the use of special equipment, and those injurious or contaminating to other lading, over irregular routes between Mt. Vernon and Burlington, WA on the one hand and all points in Whatcom County, WA on the other

hand, for 180 days. Supporting shippers: There are 25 shippers. Their statements may be examined at the office listed. An underlying ETA seeks 90 days authority.

MC 96891 (Sub-6–1TA), filed April 3, 1980. Applicant: ALLSTATE TRUCKING, INC., a NM corporation, Bolack Blvd., Post Office Box 1936, Farmington, NM 87401. Representative: James E. Snead, 215 Lincoln Avenue, Post Office Box 2228, Santa Fe, NM 87501. *Frac sand* and *cement in bulk* from Grand Junction, Denver, Colorado Springs, Pueblo, Portland and Florence, CO, and Amarillo, TX to points in San Juan, Rio Arriba and McKinley Counties, NM for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: There are six shippers. Their statements may be examined at the Regional Office listed.

MC 145455 (Sub-6–1TA), filed April 3, 1980. Applicant: BULK TRANSPORTATION, 415 Lemon Avenue, (P.O. Box 390), Walnut, CA 91789. Representative: Melvin G. Thurman (same address as applicant). *Contract carrier:* Irregular routes: *Animal feed preparations, liquid, in bulk,* from points in CA to points in NV and AZ, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: R. S. Wilson Co., P.O. Box 15423, Los Angeles, CA 90015.

MC 135215 (Sub-6–2TA), filed April 3, 1980. Applicant: BULK TRANSPORTATION, 415 Lemon Avenue, (P.O. Box 390), Walnut, CA 91789. Representative: Melvin G. Thurman (same address as applicant). *Lime, in bulk,* from points in Clark County, NV to points in CA and AZ, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Flintkote Lime Company, 4700 Ramon Boulevard, Monterey Park, CA 91754.

MC 145455 (Sub-6–3TA), filed April 3, 1980. Applicant: BULK TRANSPORTATION, 415 Lemon Avenue, P.O. Box 390, Walnut, CA 91789. Representative: Melvin G. Thurman (same address as applicant). *Contract Carrier:* Irregular routes: *Liquid animal feed ingredients, in bulk, in tank vehicles,* from points in Yuma County, AZ to points in CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Snow Commodities Company, Inc., P.O. Drawer D, South Pasadena, CA 91030.

MC 106523 (Sub-6–1TA), filed April 3, 1980. Applicant: CARLSON TRANSPORT, INC., P.O. Box 20214, Billings, MT 59104. Representative: Charles A. Murray, Jr., 207A Behner Bldg., 2822 Third Avenue, North, Billings, MT 59101. *Common salt,* in bulk, in pneumatic trucks from Solar, Utah to points in Montana, for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper: Hardy Salt Company, P.O. Drawer 449, St. Louis, MO 63166.

MC 150375 (Sub-6–1TA), filed April 2, 1980. Applicant: CLARK REBER d.b.a. TRUC DISTRIBUTING, P.O. Box B, Santa Clara, Utah 64765. Representative: Arthur J. Cerra, 2100 TenMain Center, P.O. Box 19251, Kansas City, Missouri 64141. *Meat, Meat products, meat by-products and articles 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)* from the facilities of (1) Sioux Preme Packing Company at or near Sioux Center, IA, and (2) York Packing Company at York, NE, to points in CA. for 180 days. Supporting shippers: Sioux Preme Packing Company, P.O. Box 177 Highway 75 South, Sioux Center, IA 51250 and Golden California Meat Packers, Inc., 3189 West Dakota, Fresno, CA 93776.

MC 42487 (Sub-6–11TA), filed April 3, 1980. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. *Common carrier,* regular route: *General commodities, (except those of unusal value, Classes A and B explosives, livestock, green hides, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment),* serving the facilities of Wilson Sporting Goods Company, at or near Ada, OH, as an off-route point in connection with carrier's presently authorized regular-route operations, for 180 days. Applicant intends to tack to its existing authority and any authority it may acquire in the future. The proposed authority will be tacked or joined, as an off-route point, with authority held in MC 42487 Sub 578. The authorities in MC 42487 (Sub-578), in turn, will be joined with other present authorities at such points as Boston, MA, Hagerstown, MD, Detroit, MI, Chicago, IL, Indianapolis, IN, St. Louis, MO and Minneapolis, MN to permit service to and from points throughout the United States. Applicant proposes to interline traffic with its present connection carriers at authorized interline points throughout the United States as provided in tariffs on file with the Interstate Commerce Commission. Supporting shipper(s): Wilson Sporting Goods Company, 2233 West Street, River Grove, IL 60160.

MC 113678 (Sub-6–4TA), filed April 3, 1980. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (same as above). *Foodstuffs* (except commodities commodities in bulk) (1) from Vacaville, CA, to points in IL, IN, and UT, and (2) from LaPorte, IN, to points in CA, restricted in parts (1) and (2) to traffic originating at the facilities of American Home Foods Division of American Home Products Corp., at the named origins for 180 days. Supporting shipper: American Home Foods Division of American Home Products Corporation, 685 Third Avenue, New York, NY.

MC 147832 (Sub-6–1TA), filed April 1, 1980. Applicant: JIM EDDLEMAN, d.b.a. J & J CATTLE CO., 3395 Wright St., Wheat Ridge, Co 80033. Representative: John H. Lewis, The 1650 Grant St. Bldg., Denver, CO 80203. *Meat, 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 commodities in bulk, in tank vehicles) from Denver, CO to points in AL, FL, GA and LA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: Roth Boneless Beef, 4320 Glencoe St., Denver, CO and Peppertree Beef Company, 5300 Franklin, Denver, CO.

MC 141548 (Sub-6–4TA), filed April 2, 1980. Applicant: INTERIOR TRANSPORT, INC., P.O. Box 3347TA, Spokane, WA 99220. Representative: George H. Hart, 1100 IBM Building, Seattle, WA 98101. *Iron and steel and iron and steel articles when transported with non-ferrous articles* from points in CA, CO, MN, NE, OR, TX, UT, and WA to points in Spokane County WA for 180 days. Supporting shippers: There are 12 shippers. Their statements may be examined at the Regional Office listed.

MC 146306 (Sub-6–1TA), filed April 2, 1980. Applicant: JOHN D. LARNED, d.b.a. J&P TRANSPORTATION, 6201 E. 42nd Avenue, Denver, Co 80216. Representative: Edward J. Kiley, 1730 M Street, N.W., Washington, D.C. 20036. Authority Sought: *Contract* carrier, over *irregular* routes transporting: *such commodities as are dealt in or used by grocery and food business houses* (except commodities in bulk and meats), from the facilities utilized by CIA Consolidators, Inc., at or near Denver, CO to Grand Junction, CO and points within its commercial zone, under continuing contract or contracts with CIA Consolidators, Inc. of Denver, CO, for 180 days. A corresponding ETA has also been filed for 30 days plus two extensions.

MC 150255 (Sub-6–1TA), filed April 2, 1980. Applicant: LEPRINO TRANSPORTATION COMPANY, 3740 Shoshone Street, Denver, CO 80211. Representative: John T. Wirth, 717 17th Street, Suite 2600, Denver, CO 80202. (1) *Malt veverages and advertising materials* (except in bulk), from points in Jefferson County, CO to Bakersfield, Bishop, Fresno, Lodi, Truckee, Merced, Modesto, Pittsburg, Portola, Redwood City, San Francisco, Santa Margarita, Stockton, Suisun City, Susanville, Visalia, Lemoore, and West Sacramento, CA; Kingman and Bullhead City, AZ; and Las Vegas and Reno, NV; and (2) *Empty used containers and materials, supplies and equipment dealt in or used by breweries* (except in bulk) in the reverse direction, for 180 days. Restriction: Restricted to the transportation of traffic originating at or desined to the facilities of Adolph Coors Company and its distributors. An underlying ETA seeks 90 days authority. There are 20 shippers. Their statements may be examined at the Regional office listed.

MC 128527 (Sub-6–3TA), filed April 1, 1980. Applicant: MAY TRUCKING COMPANY, P.O. Box 400, Payette, ID 83661. Representative: Timothy R. Stivers, Registered Practitioner, P.O. Box 162, Boise, ID 83701. *Insulation and Insulating Materials,* from the facilities of Mountain Fiber Co., at or near Hyrum, UT to points in ID, MT, CO, OR, WA, and WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Mountain Fiber Co., 1100 Anvil Road, Hyrum, UT 84319.

MC 144572 (Sub-6–1TA), filed April 2, 1980. Applicant: MONFORT TRANSPORTATION COMPANY, P.O. Box G, Greeley, CO 80631. Representative: Steven K. Kuhlmann, 2600 Energy Center, 717 17th Street, Denver, CO 80202. *Such commodities as are dealt in and used by producers and distributors of alcoholic beverages, liquors, and wines* from the facilities of Heublein, Inc., located at or near Hartford, CT and its commercial zone to points in IL, IN, WI, MI, MO, KY, CO, ID, NV, AZ, MT, CA, and WY, for 180 days. Applicant has filed an underlying ETA seeking 90 days. Supporting shipper: Heublein, Inc.-Spirits Group, 330 New Park Avenue, Hartford, CT 06101.

MC 147840 (Sub-6–1TA), filed April 2, 1980. Applicant: NORTH PACIFIC LUMBER CO., 1505 S. E. Gideon Street, Portland, OR 97202. Representative: Michael D. Crew, 1700 Standard Plaza, Portland, OR 97204. *Container manufacturing materials and supplies,* from Cucamonga and Pittsburg CA, to the facilities of Continental Can Co., U.S.A., located in OR, WA and ID, for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper: Continental Can Co., U.S.A., 10200 North Lombard Street, Portland, OR, 97203.

MC 141532 (Sub-6–4TA), filed March 31, 1980. Applicant: PACIFIC STATES TRANSPORT, INC., 3328 East Valley Road, Renton, WA 98055. Representative: Henry C. Winters, 525 Evergreen Building, Renton, WA 98055. (1) *Furnaces, air-conditioners, combination furnace and air-conditioner units and cooling systems;* and (2) *parts, attachments and accessories* for the commodities in (1) above (except commodities in bulk) from the facilities of General Electric Co. at or near Tyler, TX to points in AZ, CA, CO, CT, DC, FL, GA, IA, ID, IL, IN, MA, MD, MI, MN, MO, MT, NC, NE, NJ, NY, OH, OR, PA, SC, TX, UT, VA, WA, WI, WV, and WY, for 180 days. Supporting shipper: General Electric Co., Troupe Hi-Way, Tyler, TX.

MC 150484 (Sub-6–1TA), filed April 2, 1980. Applicant: PATIO FREIGHT LINES, INC., 4075 Guasti Road, Room 114, Ontario, CA 91761. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. *Forest products, paper products, woodenware, matches, wood pulp, paper dishes, plates, and trays* (a) from the facilities of Diamond International, Inc., located at Dixfield, Oakland and Old Town, ME, Palmer and Springfield, MA, Cloquet, MN and Groveton, NH, to points in CA, NV, OR and WA; (b) from the facilities of Diamond International, Inc., located at Dixfield and Oakland, ME, and Springfield, MA, to the facilities of Diamond International located at Cloquet, MN, for 180 days. Supporting shipper: Diamond International, Inc., 733 Third Avenue, New York, NY 10017.

MC 142935 (Sub-6–1TA), filed April 2, 1980. Applicant: PLASTIC EXPRESS 2999 La Jolla Street, Anaheim, California 92806. Representative: Richard C. Celio, 2300 Camino Del Sol, Fullerton, California 92633. *Fruit juices and apple products* from the facilities of TREE TOP, INC., Cashmere, Selah and Wenatchee, Washington and points in their respective commercial zones, to points in Oregon, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Tree Top, Inc., P.O. Box 248, Selah, WA 98942.

MC 148377 (Sub-6–1TA), filed April 2, 1980. Applicant: R & W SERVICES, INC., 35301 Farnham Drive, Newark, CA 94560. Representative: Eldon M. Johnson, Attorney at Law, 650 California Street, Suite 2808, San Francisco, CA 94108. *Sulphuric acid, in bulk, in rubber-lined tank trailers,* between Fremont, California and Golden, Colorado, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Amchem Products, Inc. 300 Brookside, PA 19002.

MC 150479 (Sub-6–1TA), filed April 2, 1980. Applicant: SAFEWAY LINES AND TOUR COMPANY, 1922 East Gale Avenue, Los Angeles, CA 90001. Representative: John Paul Fischer, 256 Montgomery Street, San Francisco, CA 94104. *Passengers and their baggage* in charter operations between all points in Los Angeles County, CA, on the one hand, and, on the other, all points within the Counties of Clark, NV and Coconino, Mohave, Yavapai, Maricopa, Pinal, Yuma, Pima and Santa Cruz, AZ, for 180 days. An underlying ETA seeks 90 days authority. There are 12 shippers. Their statements may be examined at the Regional office listed.

MC 138875 (Sub-6–6TA), filed April 2, 1980. Applicant: SHOEMAKER TRUCKING COMPANY, An Idaho Corporation, 11900 Franklin Road, Boise, ID 83709. Representative: F. L. Sigloh (same address as applicant). *Metal shelving,* from Terrell, TX to Salt Lake City, UT, Boise, ID, Seattle, WA, Portland, OR, points in CA and Las Vegas, NV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Billy Joe Cox, Traffic Manager, Maytex, Inc., P.O. Box 729, Terrell, TX 75160.

MC 138875 (Sub-6–7TA), filed April 2, 1980. Applicant: SHOEMAKER TRUCKING COMPANY, An Idaho Corporation, 11900 Franklin Road, Boise, ID 83709. Representative: F. L. Sigloh (same address as applicant). *Candy and confectionery products (except commodities in bulk),* from Bryan, OH to points in CA, OR and WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): James J. Paule, Traffic Manager, Spangler Candy Company, Box 71, 400 North Portland Street, Bryan, OH 43506.

MC 150401 (Sub-6–1TA), filed April 3, 1980. Applicant: THERMAL SYSTEMS, INDUSTRIES, 3055 West 2100 South, Salt Lake City, UT 84119. Representative: Miss Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. *Contract carrier,* Irregular routes: *Insulation* and *materials and supplies used in the manufacture, distribution and installation of insulation,* between Salt Lake County, UT on the one hand, and, on the other, WA, OR, ID, CA, MT, WY, NV, AZ, NM, CO, NE, & TX, under a continuing contract(s) with Thermal Systems, Inc. for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Thermal Systems, Inc. 3055 West 2100 South, Salt Lake City, UT 84119.

MC 26396 (Sub-6–7TA), filed April 3, 1980. Applicant: THE WAGGONERS TRUCKING, P.O. Box 31357, Billings, Montana 59107. Representative: Barbara S. George (same as applicant). *Drilling mud additives* (except in bulk, in tank vehicles), from Salisbury, NC to Houston, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Milchem Incorporated, 3920 Essex Lane, P.O. Box 22111, Houston, TX 77027.

MC 26396 (Sub-6–18TA), filed April 3, 1980. Applicant: THE WAGGONERS TRUCKING, P.O. Box 31357, Billings, Montana 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebraska 68501. (1) *Agricultural chemicals* (except in bulk); and (2) *Materials and supplies used in the manufacture, sale and distribution of agricultural chemicals* (except in bulk); between points in AL, AZ, CA, CO, CT, GA, ID, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MO, MT, NE, NV, NJ, NM, NC, ND, OH, OR, SD, TN, TX, UT, VA, WA, WV, WI, and WY, restricted to shipments originating at or destined to the facilities utilized by Monsanto Company, for 180 days. Supporting shipper: Monsanto Company, 800 N. Lindbergh Blvd., St. Louis, MO 63166. An underlying ETA seeks 90 days authority.

MC 150385 (Sub-6–1TA), filed April 3, 1980. Applicant: VISALIA EXPRESS LINES, INC., Post Office Box 3692, 3750 Nicholas Drive, Visalia, CA 93278. Representative: Marshall A. Smith, Jr., 2322 North Maroa Avenue, Fresno, CA 93704. *Contract carrier:* Irregular routes: (1) *Paper and paper products, corrugated or other than corrugated; plastic trays,* from Visalia, CA to Portland, OR Kent, WA Seattle, WA Tacoma, WA and Tukwila, WA; (2) *Paper, corrugated or wrapping,* from Longview, WA to Visalia CA, for the account of Malanco of California, Inc (Delaware Corporation), for 180 days. Supporting shipper: Malanco of California, Inc (Delaware Corporation), P.O. Box 3046, Visalia, CA 93278.

MC 135803 (Sub-6–4TA), filed April 3, 1980. Applicant: WALLACE TRANSPORT, 9290 E. Hwy 140 (P.O. Box 67), Planada, CA 95365. Representative: John C. Russell, 1545 Wilshire Blvd., Los Angeles, CA 90017. *Plastic articles, paper articles and bakery goods,* between points in AZ, CA and NV, restricted to shipments originating at plantsites or warehouses of Sweetheart Cup Corp., for 180 days. Supporting shipper: Sweetheart Cup Corp., 2155 E. 7th St., Los Angeles, CA 90023.

MC 136644 (Sub-6–1TA), filed April 2, 1980. Applicant: WESTERN DRYWALL TRANSPORT, INC., d.b.a. WESTERN DIRECT TRANSPORT, 2001 Broadway, Vallejo, CA 94590. Representative: Norman A. Sorensen (same as applicant). *Contract Carrier,* Irregular routes: *Gypsum Wallboard and materials and supplies used in the installation and application of gypsum wallboard,* from the plant site of Domtar Gypsum America, Inc., at or near Antioch, California to points in WA, for the account of Domtar Gypsum America, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Domtar Gypsum America, Inc., 1221 Broadway, Seventh Floor, Oakland, California 94612.

MC 141804 (Sub-6–24TA), filed April 2, 1980. Applicant: WESTERN EXPRESS, Division of Interstate Rental, Inc., 4015 Guasti Road, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same as applicant). *Lighting fixtures and/or parts therefor* from Chattanooga, TN to points in the United States (except AK and HI) for 180 days. Supporting shipper(s): Alan Whitten, Lithonia Lighting, Division of National Service Industries, Inc., P.O. BOX H, Conyers, GA 30207.

MC 150485 (Sub-6–1TA), filed April 3, 1980. Applicant: WESTSPAN HAULING, INC., 9122 South Tacoma Way, Tacoma, WA 98499. Representative: Henry C. Winters, 525 Evergreen Building, Renton, WA 98055. *Contract Carrier,* Irregular routes: *Mobile homes and portable buildings, and equipment, materials and supplies used in the distribution and installation of mobile homes and portable buildings,* (1) from points in the Commercial Zones of Caldwell, ID, Albany, OR, Aumnsville, OR, and McMinnville, OR to points in the Commercial Zone of Spanaway, WA, for the account of Romans Mobile Homes of Spanaway, WA; (2) from points in the Commercial Zones of Albany and Pendleton, OR to points in the Commercial Zone of Kent, WA, for the account of Golden Homes, Inc., of Kent, WA; and (3) from points in the Commercial Zones of Boise, ID, Nampa, ID, Albany, OR and Bend, OR to points in the Commercial Zone of Tacoma, WA, for the account of Westlin Homes, Inc., of Tacoma, WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Westlin Homes, Inc., 9122 So. Tacoma Way, Tacoma, WA 98499; Romans Mobile Homes, 16615 Pacific Avenue, Spanaway, WA 98387; Golden Homes, Inc., 23460 Pacific Hi-Way South, Kent, WA 98031.

MC 141871 (Sub-6–1TA), filed April 2, 1980. Applicant: WNI, INC., 8560 S.W. Salish Lane, Wilsonville, OR 97070. Representative: M. J. Reid, Jr., P.O. Box 2298, Green Bay, WI 54306. (1) *Appliances,* and (2) *Parts, materials, supplies, and equipment* used in the distribution or repair of appliances from the facilities of Whirlpool Corporation at Clearfield, UT to points in AZ, CA, NV, OR, and WA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Whirlpool Corporation, 2000 U.S. 33 No., Benton Harbor, MI 49022.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80–11109 Filed 4–11–80; 8:45 am]

BILLING CODE 7035–01–M

LEGAL SERVICES CORPORATION

Grants and Contracts

April 8, 1980.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93–355a, 88 Stat. 378, 42 U.S.C. 2996–2996*l*, as amended, Pub. L. 95–222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly . . . such grant, contract, or project . . . ."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Kansas Legal Services in Topeka, Kansas, to serve Clark, Comanche, Edwards, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Meade, Morton, Pawnee, Seward, Stanton, and Stevens Counties.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, Chicago Regional Office, 310 South Michigan Avenue, 24th Floor, Chicago, Illinois 60604.

Clinton Lyons,

Director, Office of Field Services.

[FR Doc. 80–11131 Filed 4–11–80; 8:45 am]

BILLING CODE 6820–35–M

Grants and Contracts

April 8, 1980.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93–355a, 88 Stat. 378, 42 U.S.C. 2996–2996*l*, as amended, Pub. L. 95–222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or

prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly . . . such grant, contract, or project.. . ."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Gulf Coast Legal Foundation in Houston, Texas, to serve Grimes and Montgomery Counties.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, Denver Regional Office, 1726 Champa Street, Suite 500, Denver, Colorado 80202.

Clinton Lyons,

Director, Office of field Services.

[FR Doc. 80-11132 filed 4-11-80; 8:45 am]

BILLING CODE 6820-35-M

Grants and Contracts

April 8, 1980.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L 93-355a, 88 Stat. 378, 42 U.S.C. 2996-29961, as amended, Pub. L 95-222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly . . . such grant, contract, or project. . . ."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

East Texas Legal Services in Nacogdoches, Texas, to serve Polk, San Jacinto, Trinity and Walker Counties.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, Denver Regional Office, 1726 Champa Street, Suite 500, Denver, Colorado 80202.

Clinton Lyons,

Director, Office of Field Services.

[FR Doc. 80-11133 Filed 4-11-80; 8:45 am]

BILLING CODE 6820-35-M

Grants and Contracts

April 8, 1980.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355a, 88 Stat. 378, 42 U.S.C. 2996-2996*l*, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly . . . such grant, contract, or project. . . ."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Waco/McLennan County Legal Aid in Waco, Texas, to serve Bosque, Freestone, Hill, Limestone and Navarro Counties.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, Denver Regional Office, 1726 Champa Street, Suite 500, Denver, Colorado 80202.

Clinton Lyons,

Director, Office of Field Services.

[FR Doc. 80-11134 Filed 4-11-80; 8:45 am]

BILLING CODE 6820-35-M

Grants and Contracts

April 8, 1980.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L 93-355a, 88 Stat. 378, 42 U.S.C. 2996-29961, as amended, Pub. L 95-222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly . . . such grant, contract, or project. . . ."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

West Texas Legal Services in Fort Worth, Texas, to serve Cooke County.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, Denver Regional Office, 1726 Champa Street, Suite 500, Denver, Colorado 80202.

Clinton Lyons,

Director, Office of Field Services.

[FR Doc. 80-11135 Filed 4-11-80; 8:45 am]

BILLING CODE 6820-35-M

Grants and Contracts

April 8, 1980.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355a, 88 Stat. 378, 42 U.S.C. 2996-2996*l*, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly . . . such grant, contract, or project . . . ."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Southeast Louisiana Legal Services Corporation in Hammond, Louisiana, to serve St. Tammany and Washington Parishes.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, Atlanta Regional Office, 615 Peachtree Street, N.E. 9th Floor, Atlanta, Ga. 30308.

Clinton Lyons,

Director, Office of Field Services.

[FR Doc. 80-11136 Filed 4-11-80; 8:45 am]

BILLING CODE 6820-35-M

Grants and Contracts

April 8, 1980.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 94-355a, 88 Stat. 378, 42 U.S.C. 2996-2996*l*, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly . . . such grant, contract, or project. . . ."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Acadiana Legal Services Corporation in Lafayette, Louisiana, to serve Evangeline and St. Mary Parishes.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, Atlanta Regional

Office, 615 Peachtree Street, N.E. 9th Floor, Atlanta, Ga. 30308.

Clinton Lyons,

Director, Office of Field Services.

[FR Doc. 80-11137 Filed 4-11-80; 8:45 am]

BILLING CODE 6820-35-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Reactor Fuel; Meeting

The ACRS Subcommittee on Reactor Fuel will hold a meeting on April 29, 1980 in Room 1046, 1717 H St., NW., Washington, DC 20555 to discuss the NRC research program on reactor fuels for the ACRS annual reports to NRC and Congress. Notice of this meeting was published March 19, 1980.

In accordance with the procedures outlined in the **Federal Register** on October 1, 1979, (44 FR 56408), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows: *Tuesday, April 29, 1980—8:30 a.m. until the conclusion of business.*

The Subcommittee may meet in Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting.

At the conclusion of the Executive Session, the Subcommittee will hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interesed persons.

In addition, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring matters involving proprietary information. I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463), that, should such sessions be required, it is necessary to close these sessions to protect proprietary information. See 5 U.S.C. 552b(c)(4).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Paul A. Boehnert (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EST.

Dated: April 9, 1980.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 80-11122 Filed 4-11-80; 8:45 am]

BILLING CODE 7590-01-M

Abvisory Committee on Reactor Safeguards, Subcommittee on Babcock and Wilcox Water Reactors; Meeting

The ACRS Subcommittee on Babcock and Wilcox Water Reactors will hold a meeting on April 29, 1980 in Room 1167, 1717 H St., NW, Washington, DC 20555 to review NUREG-0667, "Transient Response of Babcock and Wilcox-Designed Reactors," published April 2, 1980.

In accordance with the procedures outlined in the **Federal Register** on October 1, 1979, (44 FR 56408), oral or written statements may be presented by members of the public, recordings will be permitted only dring those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as parcticable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows:

Tuesday, April 29, 1980, 1:00 p.m. until the conclusion of business.

The Subcommittee may meet in Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting.

At the conclusion of the Executive Session, the Subcommittee will hear presentations by and hold discussions with representatives of the NRC Staff, Babcock and Wilcox, their consultants, and other interested persons.

In addition, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring matters involving proprietary information. I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act (Public Law 92-463), that, should such sessions be required, it is necessary to close these sessions to protect proprietary information. See 5 U.S.C. 552b(c)(4).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Peter Tam (telephone 202/634-1413) between 8:15 a.m. and 5:00 p.m., EST.

Dated: April 9, 1980.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 80-11130 Filed 4-11-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-155]

Consumers Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 32 to Facility Operating License No. DPR-6, issued to Consumers Power Company (the licensee), which revised the Technical Specifications for operation of the Big Rock Point Nuclear Power Plant (the facility) located in Charlevoix County, Michigan. The amendment is to become effective within 90 days of its date of issuance.

The amendment authorizes a change in the requirements for the fire brigade to increase the minimum size shift fire brigade from 3 to 5.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d) (4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated February 1, 1980, (2) Amendment No. 32 to License No. DPR-6, 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, N.W. Washington, D.C. and at the Charlevoix Public Library, 107 Clinton Street, Charlevoix, Michigan 49720. 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, Maryland, this 27th day of March, 1980.

For the Nuclear Regulatory Commission.

Dennis L. Ziemann,

Chief, Operating Reactors Branch #2, Division of Operating Reactors.

[FR Doc. 80-11141 Filed 4-11-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-320 (10 CFR 2.206)]

Metropolitan Edison Co. (Three Mile Island Nuclear Station, Units 1 and 2); Director's Decision

In a petition of February 25, 1980, Robert Gary of Philadelphia, Pennsylvania, requested pursuant to 10 CFR 2.206 that the Commission take certain actions with respect to radiation monitoring and emergency planning at the site of the Three Mile Island Nuclear Station. Specifically, Mr. Gary requests three basic actions:

1. Institution of a monitoring program that would include collection and sampling of various domestic animals' thyroids, planting of a certain variety of spiderwort, and collection and sampling of the flesh, bones, and teeth of various wild animals;

2. Double placement of thermoluminescent dosimeters to be read on a "blind" basis by two independent laboratories; and

3. Preparation and dissemination of an evacuation plan "before any further planned criticality of fuel in the Unit 2 reactor vessel."

As the "specification of facts that constitute the basis of this request", Mr. Gary restates some of the history of the Three Mile Island accident and alleges that "the health effects to be expected from the releases of the noble gases from the stack vent are more severe than presently recognized by the NRC." Petition at 7. Mr. Gary apparently believes that, without his special monitoring program, the public will not have "an accurate or complete official record" kept of releases from operation of the Three Mile Island units. Therefore, Mr. Gary reasons, the public will be unable to make "informed decisions about where to situate themselves and/or reside" and will be precluded in the future from "being able to put on successful litigation to receive compensation for radiogenic harms." Petition at 8. Finally, Mr. Gary contends that the public is harmed by "having to live under circumstances such that if a major radiological release which would call for immediate evacuation of the area were to occur, there is no . . . feasible plan whereby the area could be evacuated." *Id.*

Mr. Gary does not show why existing radiation monitoring and plans for emergency preparedness are inadequate nor does he identify how his requested actions will satisfy his particular concerns. As required under 10 CFR 2.206(a), it is incumbent upon Mr. Gary to establish facts or reasons that provide a basis for taking particular action. General allegations that a particular action is needed or certain objectives should be met are, without more, insufficient to provide an adequate basis for relief under 10 CFR 2.206. *See Public Service Company of Indiana* (Marble Hill Nuclear Generating Station, Units 1 and 2), Commission Memorandum and Order at 8 (Docket Nos. 50-546 & 50-547, March 13, 1980). In considering a petition under 10 CFR 2.206, the Director of Nuclear Reactor Regulation is not required "to accord presumptive validity to every assertion of fact" or to surmise the underlying facts of reasons that form the basis of the petition. *See Northern Indiana Public Service Company* (Bailly Generating Station, Nuclear 1), CLI-78-7, 7 NRC 429 (1978), *aff'd sub nom. Porter County Chapter of the Izaak Walton League v. NRC,* 606 F.2d 1363 (D.C. Cir. 1979).

Mr. Gary makes his request for a special monitoring program as part of any action "taken for purposes of the cleanup of Unit 2". Petition at 1. The staff notes that radiological environmental monitoring capabilities have been provided by the NRC, the Environmental Protection Agency (EPA), the Commonwealth of Pennsylvania and the licensee. These capabilities are described in NUREG-0662, "Environmental Assessment for Decontamination of the Three Mile Island Unit 2 Reactor Building Atmosphere", a copy of which has been previously provided to Mr. Gary. This monitoring program would also be used during the decontamination of the reactor building atmosphere, and the staff believes that these monitoring programs would be adequate for this phase of decontamination operations. To the extent that additional or different capabilities are required for future operations, the Commission will ensure that appropriate capabilities are provided. Mr. Gary provides no reasons why his particular program should be instituted now or in the future. Mr. Gary's petition only describes the measures that he believes should be taken and generally alleges that there is a need for adequate monitoring. In the absence of a particular showing that, for example, current monitoring efforts are inadequate or that Mr. Gary's proposal has some special advantages, I see no purpose to instituting a proceeding to consider Mr. Gary's proposed monitoring plan.

As to emergency preparedness, Mr. Gary raises particularly the issue of evacuation of the area around the Three Mile Island site. Specifically, Mr. Gary requests that an adequate evacuation plan be prepared and disseminated prior to "any further planned criticality of fuel in the Unit 2 reactor vessel". The fuel in the Unit 2 reactor is not critical. "Planned criticality" of the reactor implies resumed operation of Unit 2, and operation of Unit 2 would not resume, if at all, until Unit 2 had been repaired. The operating authority for the Federal Aviation Administrationreactor was formally suspended in July 1979. Order for Modification of License, *published in* 44 FR 45271 (Aug. 1, 1979). The current provisions for emergency preparedness for Unit 2 generally meet the Commission's current emergency planning requirements. However, the Commission has taken significant steps in recent months to upgrade the quality and scope of emergency planning at all nuclear reactor sites. Plans for TMI-2 will necessarily be revised in the future to conform to the Commission's requirements. Although evacuation of the population is the responsibility of State and local officials, the NRC has proposed a revision to its rules on emergency planning to require NRC concurrence in State and local government response plans. *See* 44 FR 75167 (Dec. 19, 1979). As described in the Memorandum of Understanding between NRC and the Federal Emergency Management Agency (FEMA), 45 FR 5847 (Jan. 24, 1980), FEMA will take the lead in reviewing the adequacy of State and local emergency plans. In January 1980, NRC and FEMA jointly issued for interim use and comment "Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants" (NUREG-0654/FEMA-REP-1). Mr. Gary has been provided a copy of this document with this decision. One of the objectives of these criteria (*see* p. 42) is similar to Mr.

Gary'a concern: that information concerning emergency preparedness is available and disseminated to the public. While the staff cannot say that the State, local and licensee plans approved for TMI–2 will track Mr. Gary's proposal exactly (*e.g.*, that plans will be exactly 50 pages in length of that Educational Testing Service will be consulted on the vocabulary used in the written plans), the Commission intends to assure, prior to any planned operation of the Unit 2 reactor, that adequate emergency response plans exist for TMI–2 and are appropriately distributed.

The current focus of efforts to improve emergency preparedness at the Three Mile Island site concerns specifically Unit 1. The Commission's Order and Notice of Hearing, CLI–78[8, 10 NRC (Aug. 9, 1979), in the Three Mile Island Unit 1 restart proceeding requires the Metropolitan Edison to improve its emergency preparedness capability. As described in the attached portions of the staff's "Status Report on the Evaluation of Licensee's Compliance with the NRC Order dated August 9, 1979" (Docket No. 50–289, Jan. 11, 1980), Metropolitan Edison Company has submitted an upgraded emergency plan that conforms to Regulatory Guide 1.101 (Rev. 1, March 1977) and NUREG–0610, "Draft Emergency Action Level Guidelines for Nuclear Power Plants" (Sept. 1979). Included in the appendices to Metropolitan Edison's plans are supporting emergency plans for the Commonwealth of Pennsylvania and for countries near the Three Mile Island site. The Commonwealth's and local government's plans provide for protective actions, including evacuation, in the event of a radioligical emergency. The Pennsylvania Emergency Management Agency is the lead State agency for the coordination of radiological emergency response plans. The State and local plans are under review by the Regional Advisory Committee, consisting of FEMA, NRC, EPA, the U.S. Department of Transportation and the Food and Drug Administration. In view of the foregoing, I do not intend to institute another proceeding on emergency preparedness based on Mr. Gary's particular request.[1]

Accordingly, Robert Gary's petition of February 25, 1980, is denied. A copy of this decision will be filled with the Secretary for the Commission's review in accordance with 10 CFR 2.206(c). As provided in 10 CFR 2.206(c), this decision will constitute the final action of the Commission twenty (20 days after the date of issuance, unless the Commission on its own motion institutes review of this decision within that time.

Dated at Bethesda, Maryland, this 7th day of April, 1980.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 80–11142 Filed 4–11–80; 8:45 am]

BILLING CODE 7590–01–M

[1] The staff also notes that emergency planning contentions have been admitted in the hearing on Unit 1's restart, *See* Third and Fourth Special Prehearing Conference Orders (Docket No. 50–289, Jan. 25 and Feb. 29, 1980).

[Docket No. 50–285]

Omaha Public Power District; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 47 to Facility Operating License No. DPR–40 issued to Omaha Public Power District which revised Technical Specifications (TSs) for operation of the Fort Calhoun Station, Unit No. 1, located in Washington County, Nebraska. The amendment is effective as of its date of issuance.

The amendment revises TSs to be consistent with the cycle 6 fuel reload analysis and revises TSs for reactor coolant system heatup and cooldown.

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.

Notice of Proposed Issuance of Amendment to Facility Operating License in connection with the use of fuel from Exxon Nuclear Company, Inc., for Cycle 6 operation and the use of Exxon analytical methods was published in the **Federal Register** on September 7, 1979 (44 FR 52389). On October 8, 1979, a petition was filed by H. Kirshen and the Natural Resources Committee of the Citizens Advisory Board of the Metropolitan Area Planning Agency. No other Petition or request for a hearing was filed. The petition was subsequently withdrawn and the proceeding dismissed on February 8, 1980, by Order of the Atomic Safety and Licensing Board (45 FR 10495, February 15, 1980). The power increase which was also the subject of the above-mentioned Notice is not authorized at this time. In addition, prior public notice in connection with the revised TSs for reactor coolant system heatup and cooldown was not published or required since this action 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 filed July 17, 1979, as supplemented by letters dated October 30 and December 4, 1979, and January 28, February 12, and 15, and March 12, 1980, (2) Amendment No. 47 to License No. DPR–40 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, N.W., Washington, D.C. and at the W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska 68102. 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, Maryland, this 1st day of April 1980.

For the Nuclear Regulatory Commission.

Robert W. Reid,

Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc. 80–11140 Filed 4–11–80; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–266]

Wisconsin Electric Power Co. (Point Beach Nuclear Plant, Unit 1); Modification of November 30, 1979 Order

I

Wisconsin Electric Power Company (the licensee) is the holder of Facility Operating License No. DPR–24 which authorizes the licensee to operate the Point Beach Nuclear Plant, Unit 1, located in Two Creeks, Wisconsin, under certain specified conditions. License No. DPR–24 was issued by the Atomic Energy Commission on October 5, 1970 and is due to expire on July 25, 2008.

II

Inservice inspections of the Point Beach Unit 1 steam generators performed during the August 1979 and October 1979 outstages indicated extensive general intergranular attack and caustic stress corrosion cracking on certain of the external surfaces of the

steam generator tubes. As a result of information provided in discussions with the licensee and its representatives, which is documented in a letter dated November 23, 1979 from S. Burstein to H.R. Denton, and the Staff's Safety Evaluation Report, dated November 30, 1979, on Point Beach Unit 1, Steam Generator Tube Degradation due to Deep Crevice Corrosion, it was determined that additional operating conditions would be required to assure safe operation prior to resumption of operation of Unit 1 from the 1979 refueling outage.

III

The licensee in letters dated November 29, 1979 and November 30, 1979 agreed to additional conditions which were necessary to provide reasonable assurance for safe operation of Unit 1. On November 30, 1979, an Order was issued to impose limiting conditions on continued operation of Unit 1 for a period of 60 effective full power days, at which time the licensee was required to shut down until the Director of Nuclear Reactor Regulation determined in writing in accordance with condition 6 of the Order that the results of the eddy current tests required by the Order were acceptable. On February 28, 1980, Unit 1 was taken out of service for the tests required by the Order. On March 28, 1980, the licensee provided the results of such tests to the NRC.

In accordance with condition 6 of the November 30, 1979 Order the NRC staff has reviewed the licensee's March 28, 1980 submittal and has assessed whether continued operation of the facility would be safe. I have found for the reasons given in the attached Safety Evaluation that the public health, safety and interest requires that Unit 1 be shut down and certain tests be conducted within 90 effective full power days of operation after the date of this Order. The licensee has agreed to this condition. Subject to this condition and with continuation of the other conditions set forth in the November 30, 1979 Confirmatory Order and the January 3, 1980 Modification of the Order, I have concluded that there is reasonable assurance that the public health and safety will not be endangered by the continued operation of Point Beach Unit 1.

IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's Rules and Regulations in 10 CFR Parts 2 and 50, IT IS HEREBY ORDERED THAT the November 30, 1979 Confirmatory Order for Modification of License be amened, effective immediately, to delete condition 1 of Section IV of that Order and replace such condition with the following condition.

1. Within 90 effective full power days from the date of this Order, a 2000 psia primary-to-secondary hydrostatic test and a 800 psia secondary-to-primary hydrostatic test shall be performed. Also during this plant outage, an eddy current examination shall be performed on tubes in each steam generator. The program shall be submitted to the NRC for staff review and require examination of about 1000 tubes in the central region of the hot leg and three (3) percent of all tubes outside this central region and 3% of all cold leg tubes. The central region shall encompass all areas where deep crevice corrosion has previously been observed.

All other conditions of the November 30, 1979 Confirmatory Order and the January 3, 1980 modification of that Order, including condition 6 requiring that the licensee not resume operation after the required eddy current examinations until the Director, Office of Nuclear Reactor Regulation, determines in writing that the results of such tests are acceptable, remains in effect in accordance with their terms.

V

Copies of the above referenced documents are available for inspection at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555, and are being placed in the Commission's local public document room at the Docuement Department, University of Wisconsin, Steven's Point Library, Stenves Point, Wisconsin 54451.

VI

Any person whose interest may be affected by this Order may within twenty days of the date of this Order request a hearing with respect to this Order. Any request for a hearing shall be addressed to the Director of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 with a copy to the Executive Legal Director at the above address. If a hearing is requested by a person who has an interest affected by the order, the Commission will issue an order designating the time and place of hearing. Any such request shall not stay the immediate effectiveness of this order.

In the event a hearing is held, the issues to be considered at such hearing shall be:

1. Whether the facts stated in Sections II and III of this Order provide an adequate basis for actions ordered; and

2. Whether the license should be modified to include the conditions set forth in Part V of this Order.

Effective Date: April 4, 1980, Bethesda, Maryland.

For the Nuclear Regulatory Commission,

Edson G. Case,

Acting Director, Office of Nuclear Reactor Regulation.

[FR Doc. 80-11139 Filed 4-11-80; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 21518; 70-6378]

Blackstone Valley Electric Co.; Proposed Increase in Short-Term Borrowing

April 9, 1980.

In the matter of Blackstone Valley Electric Company, Washington Highway, P.O. Box 1111, Lincoln, Rhode Island.

Notice is hereby given that Blackstone Valley Electric Company ("Blackstone"), an electric utility subsidiary company of Eastern Utilities Associates, a registered holding company, has filed with this Commission a post-effective amendment to its application-declaration, previously filed and amended in this matter, pursuant to the Public Utility Holding Company Act of 1935 designating Sections 7(a)(1), 8 and 12(c) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, as amended by said post-effective amendment, which is summarized below, for a complete statement of the proposed transaction.

By order dated December 10, 1979 (HCAR No. 21336), Blackstone was authorized to borrow funds during the period ending December 31, 1980, through the issuance and sale of short-term notes to banks in a maximum amount outstanding at any one time not to exceed $3,200,000.

By post-effective amendment, Blackstone proposes to increase its short-term debt authorization to $4,700,000. It is stated that such increase is necessary due to the rising level of interest that must be paid on Blackstone's $25,000,000 note to Chase Manhattan Bank, N.A. which, as last extended pursuant to authorization granted on January 28, 1980 (HCAR No. 21409), is due January 27, 1981. It is stated that the increased interest expense as well as the continuing

escalation of other costs have substantially reduced Blackstone's available cash. The $4,700,000 amount requested is the maximum currently permitted under Blackstone's Preferred Stock Provisions.

Rhode Island Hospital Trust National Bank presently has extended separate lines of credit to Blackstone and Montaup Electric Company ("Montaup"), an affiliate. The separate lines will be merged into one line which will be available to either Blackstone or Montaup. No other change will be made in the terms of the line.

Blackstone has credit lines with a number of banks subject to the following arrangement: (1) borrowing at the prime rate with no formal compensating balance; (2) borrowing at the prime rate with compensating balances not exceeding 20%; and (3) borrowing at the pime rate or the prime times a percentage thereof together with a commitment fee based on a fraction of the prime rate. Assuming a prime rate of 20% and the maximum balance requirements of 20%, the effective interest rate would be 25%.

There are no additional fees or expenses to be incurred in connection with the proposed transaction. It is stated that no federal or state commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than May 6, 1980, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application, as amended by said post-effective amendment, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-11226 Filed 4-11-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-16729; File No. SR-BSPS-79-3]

Bradford Securities Processing Services, Inc.; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on April 1, 1980, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Statement of the Terms and Substance of the Proposed Rule Change

The text of the proposed rule change is as follows:

Bradford Securities Processing Services, Inc. ("the Corporation") shall offer a Syndicate Packaging Service to managers, co-managers, or participants in an underwriter's syndicate offering of a new issue of debt or equity securities. The Corporation will, on a nationwide basis, examine and count the securities, segregate participation of each syndicate member, and verify payment from syndicate members. The Corporation will also deliver the securities pursuant to the instructions of the underwriters.

Statement of Basis and Purpose

The basis and purpose of the foregoing proposed rule change are as follows:

Purpose of Proposed Rule Change

The proposed rule change would codify an existing practice with respect to the meaning and administration of an existing rule of the Corporation, and will describe the service offered in greater detail for the benefit of both the Securities and Exchange Commission and the user community. The fee schedule for this service had previously been codified in SR-BSPS-77-2.

The Syndicate Packaging Service is available to a "syndicate" or group of underwriters involved in the distribution of an issue of debt or equity securities. The first step in the service is the gathering of all the pertinent information by the Corporation including the name and quantity of the issue, the number of pieces, the number of underwriters, the place of the syndicate, and the time of the distribution. Once this information has been gathered, the services which are performed by the Corporation will differ depending upon the type of security involved in the distribution.

In a Municipal Bond Packaging, the Corporation segregates the bonds by maturity, physically checks bonds for necessary information, counts the bonds, records bond numbers, and collects and bundles the bonds by underwriter.

The service for registered bonds and stock packaging, after receipt by the Corporation from the transfer agent of stock certificates bundled together by underwriter, includes counting; verification of denomination, certificate numbers, name of underwriter, dates, signatures, descriptive language; checking related to designated sale, selling group and retentions; and delivery of securities pursuant to the instructions of each participating underwriter.

The factors which may be utilized to determine the fees charged for this service may include the number of man hours involved, the use of the Corporation's wire facilities, the use of the corporation's window facilities, and the number of man hours needed in controlling settlement. The number of man hours involved may vary depending upon the location of the syndicate, travel time, and the number of certificates involved.

Basis Under the Act for Proposed Rule Change

The proposed rule change will confirm the interpretation and application of an existing policy, practice and rule as to what is meant by the Syndicate Packaging Service which was initially described in the Corporation's Form CA-1 Application for Registration as a clearing agency, and has been included in a prior rule filing relating to fee schedules for various services offered by the Corporation. The offering of this service facilitates prompt and accurate clearance and settlement of securities transactions, fosters cooperation and coordination with persons engaged in the clearance and settlement of securities transactions, and helps to remove impediments to and perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions.

Comments Received From Members, Participants or Others on Proposed Rule Change

No comments have been solicited or received from participants or others on the proposed rule change.

Burden on Competition

The Corporation does not believe that the proposed rule change will impose any burden on competition.

The foregoing rule change has become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty (60) days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six (6) copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the public reference room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before May 5, 1980.

For the Commission by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

April 7, 1980.

[FR Doc. 80-11229 Filed 4-11-80; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 21517; 70-5892]

Central and South West Corp.; Proposed Issue and Sale of Common Stock Pursuant to Employee Share Ownership Plan and Request for Exemption From Competitive Bidding

April 8, 1980.

In the matter of Central and South West Corporation, One Main Place, Dallas, Texas. Notice is hereby given that Central and South West Corporation ("CSW"), a registered holding company, has filed with this Commission a post-effective amendment to its application-declaration, previously filed and amended in this matter pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, as amended by said post-effective amendment, which is summarized below, for a complete statement of the proposed transaction.

By orders dated October 8, 1976 and August 18, 1978 (HCAR Nos. 19710 and 20675), CSW was authorized to issue and sell up to 2,000,000 shares of its authorized and unissued common stock, par value $3.50 per share, through its employee share ownership plan ("Plan"). The Plan was established for the benefit of CSW and its direct and indirect subsidiaries; Central Power and Light Company, Central and South West Services, Inc., Public Service Company of Oklahoma, Transok Pipe Line Company, Southwestern Electric Power Company and West Texas Utilities Company. As of March 15, 1980, 648,045 shares remain unsold.

CSW now requests authorization to issue and sell 2,000,000 shares of its authorized and unissued common stock, par value $3.50 per share, in addition to the 2,000,000 shares previously authorized. Under the Plan, a trust has been established to hold the stock shares for the benefit of the participating employees. The proposed 2,000,000 shares ("Additional Shares") are to be issued to or sold to the trustee of the Plan.

The Additional Shares are estimated to be sufficient to account for the total CSW and employee contributions to be made for the 1979 and 1980 tax years and also for other purchases by the trustee through December 31, 1981. The exact number of Additional Shares to be issued and sold to the trust will be determined by dividing the amount of the additional 1% of investment tax credit and the total 1% credit pursuant to the employee and matching employer contributions for the years 1979 and 1980, respectively, by the average closing price of CSW's common stock as reported on the New York Stock Exchange Composite Transactions for the twenty consecutive trading days immediately preceding the date of issuance of such additional shares.

Based on CSW System's estimated qualifying property additions for 1979 and 1980 and assuming maximum participation by employees, CSW estimates that the additional investment tax credit for both years would be approximately $20,800,000. In addition, $6,700,000 of dividends applicable to the shares held by the trustee will be used for the purchase of Additional Shares, resulting in a total of $27,500,000. Assuming that the purchase price for the CSW stock were $11.00 per share, a total of approximately 2,500,000 Additional Shares would be issued. The 2,500,000 shares added to the 1,351,955 shares which have been issued under the Plan results in a total of 3,851,955 shares. The total of 4,000,000 shares which will be authorized if the present post-effective amendment is approved is said to be necessary to afford adequate leeway for the purchase of shares by the trust in accordance with the Plan and for periodic purchases of shares with funds generated from dividends paid on shares held by the trust. It is stated that the Additional Shares also are necessary to meet unexpected contingencies such as a decrease in the market price of the common stock.

CSW requests exemption from the competitive bidding requirements of Rule 50 pursuant to subparagraph (a)(5) thereof.

The fees and expenses to be incurred in connection with the proposed transaction are estimated at $7,000, including printing fees of $5,000 and legal fees of $1,000. It is stated that no federal or state commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than May 2, 1980, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application, as amended by said post-effective amendment, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended, or as it may be further amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons

who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-11227 Filed 4-11-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21516; 70-6436]

Columbia Gas System, Inc.; Proposal of Holding Company To Issue Unsecured Notes to Banks; Request for Exception From Competitive Bidding

April 7, 1980.

In the matter of the Columbia Gas System, Inc., 20 Montchanin Road, Wilmington, Delaware 19807. Notice is hereby given that the Columbia Gas System, Inc. ("Columbia"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a) and 7 thereof and Rule 50(a)(2) promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Columbia's operating subsidiaries are principally engaged in one or more phases of the natural gas business, including: exploration and development of hydrocarbon reserves (principally natural gas), production, purchase, storage, transmission, distribution and wholesale and retail sale of natural gas, production of synthetic gas from hydrocarbon feedstock, importation and regasification of liquified natural gas, research and development of coal gasification and production and sale of propane and other extracted hydrocarbon products. It is presently estimated that up to $200,000,000 of long-term capital will be required during 1980 in order to finance the 1980 capital expenditures programs of Columbia's subsidiaries. (See File 70-6435.)

Columbia seeks authorization to issue up to an aggregate principal amount of $200,000,000 of unsecured subordinated promissory notes to a group of commercial banks under a Revolving Credit and Term Loan Agreement ("Agreement"). This Agreement would provide a "back up" line of credit. Columbia states that in view of the current disarray in the bond markets, such a line of credit is necessary in the event it becomes impractical or uneconomic to sell its debentures and to provide flexibility as to the timing of any such sales. A list of the lending banks and the amount of the line of credit at each will be filed by amendment. The net proceeds from the borrowings will be added to the general funds of Columbia, which, together with funds then available and funds subsequently generated from operations, will be used to provide the necessary capital for the programs of its subsidiaries.

The Agreement will provide for two forms of notes: a Revolving Credit Note and a Term Note (collectively, the "Notes"). The Revolving Credit Note for each participating bank will be the lesser of the aggregate amount of its Commitment or the aggregate unpaid principal amount of all loans made by such bank, will mature April 1, 1985, and will provide for prepayment and reborrowing throughout the revolving period. Under the Agreement, each bank agrees to lend on April 1, 1985, an amount not to exceed its commitment; however, to the extent necessary, each bank shall apply any portion of the proceeds to repay any outstanding balance on the Revolving Credit Notes. The Term Notes will be dated April 1, 1985, and will mature on March 31, 1987. The Revolving Credit Note will bear interest at the Fluctuating Prime Commerical Lending Rate of Morgan Guaranty Trust Company of New York ("Prime") during the first three years, and at 103% times Prime during the fourth and fifth years. The Term Note will bear interest at 105% times Prime. Under the terms of the Agreement, Columbia would pay a fee of 2% per annum of the Prime times the aggregate amount of the line plus ½ of 1% per annum of the unused portion of the line. If half the line of credit were borrowed, the effective cost of borrowing would be 21.3% during the first three years, 21.9% during the fourth and fifth years and 22.3% during the sixth and seventh years, based upon a prime commercial rate of 20%.

No amortization will be required on the Notes and they may be prepaid in whole or in part at any time without penalty. The Notes will be subordinated to the debentures of Columbia presently outstanding or to be outstanding under the Indenture dated as of June 1, 1961, between Columbia and Morgan Guaranty Trust Company of New York, Trustee.

Columbia requests exception from the competitive bidding requirements of Rule 50 pursuant to clause (a)(2) thereof. In this connection, Columbia states that the Notes will have a maturity of ten years or less and will be issued to a commerical bank. It is also stated that no fee or remuneration is to be paid in connection therewith to any third person. No state commission and no federal commission, other than this Commission has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 30, 1980, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request.

At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-11233 Filed 4-11-80; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 21514; 70-6439]

Eastern Utilities Associates; Proposed Acquisition of Stock of Inactive Company

April 7, 1980.

In the matter of Eastern Utilities Associates, P.O. Box 2333, Boston, Massachusetts.

Notice is hereby given that Eastern Utilities Associates ("EUA"), a registered holding company, has filed with this Commission an application pursuant to the Public Utility Holding

Company Act of 1935 ("Act"), designating Sections 9(a) and 10 of the Act as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

EUA proposes to purchase 100 shares of capital stock of Eastern Edison Electric Company ("Eastern") at their par value of $10 per share. This stock constitutes all the authorized and issued capital stock of Eastern.

Eastern was incorporated in Massachusetts on February 16, 1951 under the name Eastern Edison Electric Company, Inc. The name of the company was changed pursuant to a special act of the Massachusetts Legislature, Chapter 339 of the Acts of 1951 (the "1951 Act"), to Eastern Edison Company. Such special authorization was necessary because electric companies incorporated under the Massachusetts laws are otherwise required to include the word "electric" in their names. Eastern was organized to participate in a plan of reorganization of EUA and its subsidiaries (the "First Plan") submitted to this Commission to comply with a Commission order dated April 4, 1950 issued in proceedings under Section 11(b) of the Act (File No. 59–89). Among other provisions of the First Plan, Eastern was to acquire the stock of EUA's Rhode Island subsidary, Blackstone Valley Gas and Electric Company, now Blackstone Valley Electric Company ("Blackstone"). The 1951 Act made it clear that Eastern would have corporate power to acquire the stock of Blackstone, a matter which was not clear under the general statutes of Massachusetts.

The Massachusetts Department of Public Utilities ("MDPU") authorized the issuance of the full amount of Eastern's authorized stock, 100 shares of capital stock of the par value of $10 per share, in an order dated December 14, 1951. However, the final version of the First Plan which was approved by the Commission and ordered enforced by the United States District Court for the District of Massachusetts did not provide for the participation of Eastern in the reorganization and, consequently, its stock was not issued. Although Eastern never owned assets, it has been continued in existence by its board of directors for its possible value in any future structural changes.

EUA recently submitted to this Commission another plan puruant to Section 11(e) of the Act which the Commission approved on February 23, 1979 (HCAR No. 20931) and which became effective on July 31, 1979 pursuant to an order of the United States District Court for the District of Massachusetts resulting in the merger of Fall River Electric Light Company into Brockton Edison Company.

By Chapter 233 of the Massachusetts Acts of 1978, Brockton Edison Company was authorized to change its name to Eastern Edison Company and did so effective August 1, 1979 in conjunction with the merger. EUA now wishes to change the name of Eastern in order to avoid confusion. Massachusetts law requires that a corporate name change be approved by the shareholders of the corporation; if there are no shareholders, then the incorporators have the power of the shareholders. Since Eastern never issued its shares, there are no shareholders to authorize the change and EUA states that the incorporators are no longer available.

In order to effect the name change, Eastern's board of directors decided to issue the company's stock. Mr. Charles Jackson, Jr., a partner in the law firm of Gaston Snow & Ely Bartlett, counsel to EUA, agreed to purchase the stock to facilitate the name change. Eastern thereupon issued and sold the stock to Mr. Jackson for $1,000, which is the aggregate par value and price approved by the MDPU. EUA now desires to purchase the stock from Mr. Jackson for $1,000. EUA has no present plans for making Eastern active but would like to obtain control because of the special authority conferred by the 1951 Act which could conceivably be useful to EUA in the future.

The fees and expenses to be incurred in connection with the proposed transaction will be supplied by amendment. It is stated that no federal or state commission other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than May 2, 1980, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other actions as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80–11232 Filed 4–11–80; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 11121; 812–4487]

Johnston Mutual Fund; Filing of an Application for an Order Amending a Previous Order Pursuant to Section 6(c) of the Act Granting Exemption From the Provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 Thereunder

April 8, 1980.

In the matter of the Johnston Mutual Fund, One Boston Place, Boston, Massachusetts. Notice is hereby given that The Johnston Mutural Fund ("Applicant") registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company and organized as a "series company," filed an application on March 7, 1980, requesting an order of the Commission amending a prior order of the Commission dated August 1, 1979 (Investment Company Act Release No. 10801) ("Prior Order") to exempt the Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extend necessary to permit the Applicant to compute the net asset value per share of one of its series, the Johnston Cash Management Fund (CMF"), according to the amortized cost method of valuing portfolio securities. 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 states that it has three series of shares, each representing interests in separate pools of assets. One of the Applicant's series, CMF, is a "money market fund," offering to individuals, corporations, fiduciaries and institutions a means of investing in a professionally managed portfolio of

money market instruments with the objective of obtaining as high a level of current income as is consistent with the preservation of capital and liquidity.

Applicant represents that CMF invests exclusively in various high-grade money market instruments as enumerated in its prospectus, including United States government and federal agency obligations; United States dollar-denominated obligations of the largest banks, including United States banks and their branches located outside the Unite States and United States branches of foreign banks; prime commercial paper; high grade corporate obligations which ar rated AAA or AA by Standard & Poor's Corporation or Aaa or Aa by Moody's Investor Services, Inc., and certain repurchase agreements as described in Applicant's prospectus. Applicant further states that all of CMF's assets are invested in money market instruments maturing in less than one year and the dollar-weighted average maturity of its portfolio may not exceed 120 days.

Applicant indicates that at the present time, in determining the net asset value per share of CMF, Applicant employs two valuation procedures, depending upon the remaining maturity of the particular instrument being valued. Applicant states that for portfolio instruments with remaining maturities in excess of 60 days (i) instruments for which market quotations are readily available are valued at their most recent bid price (generally expressed on a yield basis) as obtained from a major market maker for such instruments, and (ii) instruments (and other assets) for which market quotations are not readily available are valued at their fair value as determined in good faith in accordance with consistently applied procedures established by and under the general supervision of Applicant's Trustees. The value of portfolio instruments with remaining maturities of 60 days or less is determined on the basis of the amortized cost valuation technique, i.e., valuing an instrument at its cost and, thereafter, assuring a constant amortization to maturity of any discount or premium, regardless of the impact fo fluctuating interest rates on the market value of the instrument.

Pursuant to the Prior Order, Applicant states that it determines the net asset value per share of CMF for purposes of sales, redemptions and repurchases by the "penny rounding" technique, which involves calculating net asset value to the nearest cent of the CMF $1.00 per share price. Applicant now seeks an order which would amend the Prior Order and exempt Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necesssary to permit CMF's portfolio securities to be valued according to the amortized cost valuation method.

Rule 22c–1 adopted under the Act provides, in part, that no registered investment company issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security. Rule 2a–4 adopted under the Act provides, in pertinent part, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution, redemption and repurchase shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 further provides that portfolio securities for which market quotations are readily available shall be valued at current market value, and other securities shall be valued at fair value as determined in good faith by the board of directors. Section 2(a)(41) defines, in pertinent part, the term "value" in a similar manner.

In Investment Company Act Release No. 9786, dated May 31, 1977, the Commission expressed the view that, among other things, (1) Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments (except those having maturities of 60 days or less) on an amortized cost basis.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transactions or any class or classes of persons, securities or transactions from any provisions of the Act or of any rule or regulation under the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

According to the application, Applicant's Trustees have determined in good faith that in light of the characteristics of CMF as described above, including the conditions to which Applicant must adhere as set forth in the Prior Order, absent unusual or extraordinary circumstances, the amortized cost method of valuing portfolio securities is appropriate and in Applicant's best interest and reflects the fair value of such securities. Applicant indicates that under the amortized cost method CMF shareholders would continue to have the conveniences and advantages of a stable purchase and redemption price of $1.00 per share as described in its application requesting the exemptions contained in the Prior Order.

Applicant has agreed that the following conditions may be imposed in any order of the Commission granting the exemptive relief requested:

(1) In supervising CMF's operations and delegating special responsiblities involving management of CMF's portfolio to Applicant's investment adviser, Applicant's Trustees undertake—as a particular responsibility within the overall duty of care owed to their shareholders—to establish procedures reasonably designed, taking into account current market conditions and CMF's investment objectives, to stablize CMF's net asset value per share, as computed for the purpose of distribution, redemption and repurchase at $1.00 per share.

(2) Included within the procedures to be adopted by the Trustees shall be the following:

(a) Review by the Applicant's Trustees, as they deem appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share of CMF as determined by using available market quotations from the $1.00 amortized cost price per share, and maintenance of records of such review.[1]

(b) In the event such deviation from the $1.00 amortized cost price per share of CMF exceeds ½ of 1%, a requirement that the Trustees will promptly consider what action, if any, should be initiated.

(c) Where Applicant's Trustees believe the extent of any deviation from CMF's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, they shall take such action as they deem appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which action may include: redemption of shares in kind; the sale of portfolio instruments prior to maturity to

[1] Applicant states that to fulfill this condition, it intends to use actual quotations or estimates or market value reflecting current market conditions chosen by its Trustees in the exercise of their discretion to be appropriate indicators of value. In addition, Applicant states that the quotations or estimates utilized may include, *inter alia*, (1) quotations or estimates or market value for individual portfolio instruments, or (2) values obtained for yield data relating to classes of money market instruments published by reputable sources.

realize capital gains or losses, or to shorten CMF's average portfolio maturity; withholding dividends; or utilizing an net asset value per share as determined by using available market quotations.

(3) Applicant will cause CMF to maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share for CMF; provided, however, that CMF will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity in excess of 120 days.[3]

(4) Applicant will record, maintain and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the Trustees' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the Trustees' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act as though such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

(5) Applicant will limit the portfolio investments of CMF, including repurchase agreements, to those United States dollar-denominated instruments which the Trustees determine present minimal credit risks and which are of high quality as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by Applicant's Trustees.

(6) Applicant will include in each quarterly report, as an attachment to Form N–1Q, a statement as to whether any action pursuant to condition 2(c) was taken during the preceding fiscal quarter, and, if any action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than April 29, 1980, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant(s) at the address(es) stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80–11228 Filed 4–11–80; 8:45 am]

BILLING CODE 8010–01–M

[3] In fulfilling this condition, if the disposition of portfolio instruments results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce CMF's dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

[Release No. 21515; 70–6440]

National Fuel Gas Co.; Proposal To Remove for a 5-Year Period Charter Limitation Relating To Issuance or Assumption of Unsecured Debt; Order Authorizing Solicitation of Proxies in Connection Therewith

In the matter of National Fuel Gas Company, 30 Rockefeller Plaza, New York, New York. Notice is hereby given that National Fuel Gas Company ("National"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a), 7 and 12(e) thereof and Rule 62 promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

National proposes to submit to the holders of its preferred stock at a special meeting of such holders to be held May 15, 1980, a proposal to authorize National and its subsidiaries, for a five year period, to issue or assume unsecured debt having maturities of less than ten years in excess of the present limitation thereon contained in National's Restated Certificate of Incorporation ("Certificate"), and to solicit proxies from the holders of its preferred stock in connection therewith.

The pertinent restrictions in National's Certificate provide that, except with the consent of the holders of a majority of the preferred stock then outstanding, National will not issue or assume, nor permit any subsidiary to issue or assume, any unsecured debt, if, after giving effect to such issue or assumption, (a) unsecured debt of National and its subsidiaries would exceed 20% of the aggregate of all existing secured debt (including debentures) and the capital stock, premiums thereon, and surplus of National and its subsidiaries consolidated or (b) unsecured debt of National and its subsidiaries having maturities of less than ten years would exceed 10% of such amount. National proposes to request authority from the holders of its preferred stock to remove the 10% limitation for a five year period. National would remain subject to the 20% limitation.

The continued application of the 10% limitation during the next few years may inhibit the continued orderly financing of the Company's construction and exploration and development programs. Expenditures for these programs for the years 1978 and 1979 amounted to $46,630,000 and $51,400,000, respectively. The 1980 programs contemplate expenditures of approximately $93,000,000. It is expected that the level of expenditures in subsequent years will also be in excess of the 1979 level. The Company expects to raise most of the funds required to finance its construction and exploration and development programs through the sale of additional debentures and prefered stock, with the balance being provided from internal sources. Interim financing and working capital will be provided through short-term borrowings.

The principal effect of the 10% limitation on National's financing program is on the timing and nature of long-term financing. With the limitation in effect National would normally be forced to refund is short-term borrowings with additional debentures or preferred stock each time that the amount of these borrowings approaches 10% of the Company's capitalization. Adoption of the proposal would eliminate the 10% limitation on short-term borrowings for a five year period.

Adoption of the proposal requires the affirmative vote of a majority of the total number of the outstanding shares of preferred stock voting as a class. Middle South intends to solicit proxies from the holders of its preferred shares in connection with the proposal. The relevant proxy materials have been filed with the Commission and accelerated Commission action thereon is requested pursuant to Rule 62.

The fees and expenses to be incurred in connection with the proposed transactions will be filed by

amendment. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than May 1, 1980, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It appearing to the Commission that the declaration, insofar as it proposes the solicitation of proxies from the National preferred stockholders, should be permitted to become effective forthwith pursuant to Rule 62:

It is ordered that the declaration regarding the proposed solicitation of proxies from the National preferred stockholders be, and it hereby is, permitted to become effective forthwith pursuant to Rule 62 and subject to the terms and conditions prescribed in Rule 24 under the Act.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-11234 Filed 4-11-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-16723; File No. SR-PSE-80-2]

Pacific Stock Exchange Inc.; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-24, 16 (June 4, 1975), notice is hereby given that on March 13, 1980, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

The Exchange's Statement of the Terms of Substance of the Proposed Rule Change

The Pacific Stock Exchange Incorporated ("PSE") proposes to amend Articles V, X, XI, XII and XIV of the Constitution of the PSE. The most important terms of the proposed changes to the Constitution are summarized below.

Article V

Two new definitions would be added to Article V. "Member Organization" would be defined to include a sole proprietor as well as a partnership or corporation and, in this way, differs from the definition of "Member Firm." A new definition of "Associated Person" would be included as Section 7 for the purpose of broadening both the existing definition of "Member" and "Allied Member" thereby encompassing certain employees and other persons not covered by those two existing definitions.

Article X

Article X in its current form provides for the suspension of a member or member firm for failure to perform his or its contracts due primarily to insolvency. This Article would be substantially rewritten to provide for either expulsion or suspension of a member organization for failure to perform contracts, insolvency, statutory disqualifications, financial difficulties or operating inadequacies. The Article further would provide for a means by which the Board of Governors or the Executive Committee might summarily suspend a member organization for the reasons stated above. The expelled or suspended member would be able to request a hearing or apply for reinstatement.

Article XI

The majority of changes made to Article XI would provide for procedures by which an aggrieved party might appeal a decision of the Board of Governors that resulted in a temporary suspension.

Article XII

This Article would be amended to more clearly define those matters which may be submitted to Arbitration pursuant to the Rules of the Exchange. This new definition is intended to conform to the Uniform Arbitration Code developed by the Securities Industries Conference on Arbitration.

Article XIV

Changes made to this Article also would provide an aggrieved party with an opportunity for a hearing in connection with summary action taken by the Board of Governors, the Executive Committee or the President for failure to pay dues, fees, charges or fines. Provisions also would be made for the disposition of any membership which was subsequently declared a treasury membership.

The Exchange states that the basis and purpose of the foregoing proposed rule change is a follows:

The purpose of the proposed changes to the Constitution of the PSE is to provide standards which the Board of Governors and its Executive Committee may use in determining grounds for summary suspension or expulsion of members or member organizations to limit access of members or member organizations with respect to services offered by the Exchange, to provide procedures for review of any summary action taken by the Board or its Executive Committee, and to provide procedures for reinstatement after suspension. In addition, Article XII would be amended to more clearly define those matters which may be submitted to Arbitration pursuant to the rules of the Exchange.

The proposed changes to the PSE Constitution are consistent with Sec. 6(b) of the Act in general, and further the objectives of Sections 6(b)(5), 6(b)(6), and 6(b)(7) of the Act, in particular, in that they are designed to promote just and equitable principles of trade to protect investors and the public interest, and to provide for members and member organizations to be appropriately disciplined for violations of the Securities Exchange Act of 1934 and the Rules, policies and procedures of the PSE.

Comments have neither been solicited nor received from members, participants or others on the proposed rule change.

The Exchange finds that the proposed rule change would impose no burden on competition.

Within 35 days of the date of publication of this notice in the **Federal Register**, May 19, 1980, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549.

Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W. Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before May 5, 1980.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

April 7, 1980.

[FR Doc. 80-11231 Filed 4-11-80; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Proposed License No. 02/02-5368]

Hop Chung Capital Investors, Inc.; Application for License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*), has been filed by Hop Chung Capital Investors, Inc. (applicant), with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1980).

The officers, directors and stockholders of the applicant are as follows:

You Hon Lee, 103 Park Street, #3, New York, New York 10013—President, Director, 14.8% Stockholder.

Peter Wong, 25–58 126th Street, College Point, New York 11354—Secretary, Treasurer, Director and Manager, 20% Stockholder.

Park Lum Won, 76 Mulberry Street, #3A, New York, New York 10013—Director, 10% Stockholder.

The applicant, a New York Corporation, with its principal place of business at 21A Mott Street, New York, New York 10013, will begin operations with $500,000 of paid-in capital and paid-in surplus derived from the sale of 500 shares of common stock to eleven stockholders.

The applicant will conduct its activities principally in the State of New York.

Applicant intends to provide assistance to qualified socially or economically disadvantaged small business concerns.

As a small business investment company under Section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is hereby given that any person may, not later than April 29, 1980, submit to SBA written comments on the proposed applicant. Any such communication should be addressed to the Deputy Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in New York, New York.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: April 8, 1980.

Peter F. McNeish,

Deputy Associate Administrator for Finance and Investment.

[FR Doc. 80-11056 Filed 4-11-80; 8:45 am]

BILLING CODE 8025-01-M

[License No. 05/05-5133]

Northern Capital Corp.; License Surrender

Notice is hereby given that Northern Capital Corporation, 1017 Walnut Street, Batavia, Illinois 60510 has surrendered its license to operate as a small business investment company under the Small Business Investment Act of 1958, as amended (the Act). Northern Capital Corporation was licensed by the Small Business Administration on March 16, 1979.

Under the authority vested by the Act and pursuant to the regulations promulgated thereunder, the surrender of the license was accepted on April 2, 1980, and accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: April 7, 1980.

Peter F. McNeish,

Deputy Associate Administrator for Finance and Investment

[FR Doc. 80-11087 Filed 4-11-80; 8:45 am]

BILLING CODE 8025-01-M

[Proposed License No. 02/02-5386]

Pan Pac Capital Corp.; Notice of Application for a License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*), has been filed by Pan Pac Capital Corporation (Applicant), with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1980).

The officers, directors and stockholders of the Applicant are as follows:

Dr. In-Ping Jack Lee, 84 Harwood Ave., Berkeley Heights, NJ 07922 (President, Director and 33.79%).

Ms. Tsui-Hsing Hou Liao, 2710 Quail Ridge, Stillwater, OK 74074 (Director, Vice President and 19.88%).

Mr. Jenn Chang Chen, 61 Wu-fu 4th Rd., Kaohsiun, Taiwan (9.94%).

Dr. Chin-Tsun Yang, 505 Hemsptead Ave., Rockville Centre, NY 11570 (Chairman of the Board and 9.94%).

Ms. Tuen-in Su, 1-3-5-4-503, Higashi-Nakano, Nakano-Ku, Tokyo 164, Japan (8.15%).

Dr. David T. Y. Chen, 430 E. 67th St., New York, NY 10021 (Treasurer, Secretary, Director and 9.94%).

Mr. Yu M. Su, 21 N. 18th St., Niles, MI 49120 (3.98%).

Mr. Roger Sun, 49-11 Flatlands Ave., Brookly,m NY 11210 (4.38%).

The Applicant is a New York corporation with its principal office at 195 Hudson Street, New York, New York 10013, and will begin operations with $503,000 of paid-in capital and paid-in surplus.

The Applicant will conduct its activities primarily in the States of New York, New Jersey, Connecticut and Pennsylvania.

As a small business investment company under Section 301(d) of the Act, the Applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute

to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the Application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the Applicant under their management, including adequate profitability and financial soundness in accordance with the Act and SBA Regulations.

Notice is hereby given that any person may, not later than April 29, 1980, submit to SBA written comments on the proposed Applicant to the Deputy Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in New York, New York.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: April 8, 1980.

Peter F. McNeish,

Deputy Associate Administrator for Finance and Investment.

[FR Doc. 80-11085 Filed 4-11-80; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 80-038]

Chemical Transportation Advisory Committee, Subcommittee on Personnel Protection; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a Personnel Protection Subcommittee meeting of the Chemical Transportation Advisory Committee to be held on Wednesday, May 7, 1980 beginning at 9:00 a.m. in room 6319, Coast Guard Headquarters, 2100 Second Street SW., Washington, D.C. 20593.

This will be the second meeting of the Personnel Protection Subcommittee. The requirements for personnel entry into cargo tanks, cofferdams, pump rooms, peak tanks and other confined spaces will be discussed.

For additional information, contact: Captain William N. Spence, Commandant (G-MHM), U.S. Coast Guard, Washington, D.C. 20593, (202) 426-2300.

For scheduling and for providing adequate seating, those wishing to present oral statements or attend the meeting should notify Captain Spence's office no later than the day before the meeting.

Issued in Washington, D.C., on April 3, 1980.

W. D. Markle, Jr.,

Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc. 80-11210 Filed 4-11-80; 8:45 am]

BILLING CODE 4910-14-M

[CGD 80-037]

Possible Alteration of the Southern Pacific Transportation Co., Bridge Across the Mermentau River, Mile 68.0 at Mermentau, La.; Public Hearing

Notice is hereby given in accordance with Section 3 of the Act of June 21, 1940, as amended, (Truman-Hobbs Act) that a public hearing regarding the possible alteration of the Southern Pacific Transportation Company railroad bridge across the Mermentau River, mile 68.0, at Mermentau, Louisiana will be held on Friday, May 16, 1980 at 1:30 p.m., in Mermentau Elementary School, 4th and Church Streets, Mermentau, Louisiana.

The existing swing bridge provides a horizontal clearance of 52 feet between fenders and vertical clearance of 10 feet above mean high water in the closed position and unlimited in the open position. It is located 310 feet downstream from the new U.S. Highway 90 fixed span bridge which provides a horizontal clearance of 125 feet between fenders and a vertical clearance of 44 feet above mean high water.

Complaints have been received alleging that the bridge is unreasonably obstructive to navigation. This may require increasing the horizontal clearance on the bridge to meet the needs of navigation. The purpose of the hearing is to give interested parties an opportunity to be heard and offer evidence as to whether the existing bridge is unreasonably obstructive and if so what alteration is required having due regard for the necessities of free, easy and unobstructed navigation on the waterway, rail traffic and the impact that any alteration would have on the quality of the human environment.

Any person who wishes may appear and be heard at this public hearing. Persons planning to appear and be heard are requested to notify the Eighth Coast Guard District, Bridge Administration Branch, Hale Boggs Building, 500 Camp Street, Rm. 1310, New Orleans, Louisiana 70130, (504-589-2965) any time prior to the hearing indicating the amount of time required. Depending upon the number of scheduled statements, it may be necessary to limit the amount of time allocated to each person. Any limitations of time allocated will be announced at the beginning of the hearing. Written statements and exhibits may be submitted in place of or in addition to oral statements and will be made a part of the record of the hearing. Such written statements and exhibits may be delivered at the hearing or mailed in advance to the Eighth Coast Guard District, Bridge Administration Branch.

(54 Stat. 498, 33 U.S.C. 513; Sec. 6(g)(3), 80 Stat. 937, 49 U.S.C. 1655(g)(3); 33 CFR 116.20 and 49 CFR 1.46(c)(6))

Dated: April 9, 1980.

W. E. Caldwell,

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

[FR Doc. 80-11209 Filed 4-11-80; 8:45 am]

BILLING CODE 4910-14-M

Federal Railroad Administration

[FRA Waiver Petition Docket HS-80-1]

Louisiana Southern Railroad Co.; Petition for Exemption From the Hours of Service Act

In accordance with 49 CFR 211.41 and 211.9, notice is hereby given that the Louisiana Southern (LSO) has petitioned the Federal Railroad Administration (FRA) for an exemption from the Hours of Service Act (83 Stat. 464, Pub. L. 91-169, 45 U.S.C. 64a(e)). That petition requests that the LSO be granted authority to permit certain employees to continuously remain on duty for in excess of twelve hours.

The Hours of Service Act currently makes it unlawful for a railroad to require or permit specified employees to continuously remain on duty for a period in excess of twelve hours. However, the Hours of Service Act contains a provision that permits a railroad, which employs no more than fifteen employees who are subject to the statute, to seek an exemption from this twelve hour limitation.

The LSO seeks this exemption so that it can permit certain employees to remain continuously on duty for periods not to exceed sixteen hours. The petitioner indicates that granting this exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts that it employs no more than fifteen employees and has demonstrated good cause for granting this exemption.

Interested persons are invited to participate in this proceeding by submitting written views or comments. FRA has not scheduled an opportunity for oral comment since the facts do not appear to warrant it. Communications concerning this proceeding should identify the Docket Number, Docket Number HS–80–1 and must be submitted in triplicate to the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, Department of Transportation (Nassif Building), 400 Seventh Street, S.W., Washington, D.C. 20590. Communications received before April 23, 1980, will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All comments received will be available for examination both before and after the closing date for comments, during regular business hours in Room 8211, Department of Transportation (Nassif Building), 400 Seventh Street, S.W., Washington, D.C. 20590.

Authority: Section 5 of the Hours of Service Act of 1969 (45 U.S.C. 64a), 1.49 (d) of the regulations of the Office of the Secretary, 49 CFR 1.49(d).

Issued in Washington, D.C. on April 3, 1980.

J. W. Walsh,

Chairman, Railroad Safety Board.

[FR Doc. 80–11043 Filed 4–11–80; 8:45 am]

BILLING CODE 4910–06–M

Research and Special Programs Administration

Extension of Time for Submission of Comments on Study of Methods of Assuring Adequate Financial Responsibility for Certain LNG and LPG Activities

AGENCY: Research and Special Programs Administration, Department of Transportation (DOT).

ACTION: Extension of Comment Period.

SUMMARY: This notice announces a one month extension of the comment period on the study of methods of assuring adequate financial responsibility for certain LNG and LPG activities published on March 24, 1980 (45 FR 19114). The extension of the comment period to June 9, 1980 is made in response to a request of the Interstate Natural Gas Association of America, and will allow additional time for the public to prepare comments on the topics to be covered in the study. Section 7(a) of the Pipeline Safety Act of 1979 requires completion of the study and a report to Congress by September 26, 1980.

Issued in Washington, DC on April 7, 1980.

Leon D. Santman,

Director, Materials Transportation Bureau, Research and Special Programs Administration.

[FR Doc. 80–10950 Filed 4–11–80; 8:45 am]

BILLING CODE 4910–60–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting the Levels of Restraint Established for Certain Cotton and Man-Made Fiber Textile Products From the Dominican Republic

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: (1) Increasing the levels of restraint established during the agreement year which began on June 1, 1979 and extends through May 31, 1980 for men's and boys' woven cotton shirts in Category 340; women's, girls' and infants' man-made fiber knit shirts and blouses in Category 639; and man-made fiber brassieres in Category 649 by the application of swing.

(2) Applying carryforward in Categories 340, 351, 639, 649 and adjusting the level of restraint for cotton nightwear in Category 351 to deduct the swing applied to the other categories, thus reducing the level of restrait for Category 351 from 247,000 dozen to 244,660 dozen for the twelve-month period which began on June 1, 1979.

(A detailed description of the textile categories in terms of T.S.U.S.A numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172).)

SUMMARY: The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 7 and 8, 1979, as amended, between the Governments of the United States and the Dominican Republic provides for increases of seven percent in specific ceilings during an agreement year, provided equivalent amounts are deducted from other specific ceilings. In accordance with the terms of the bilateral agreement, and at the request of the Government of the Dominican Republic, the levels of restraint for Categories 340, 639 and 649 are being increased and that for Category 351 is being reduced for the agreement year which began on June 1, 1979 and extends through May 31, 1980.

EFFECTIVE DATE: April 16, 1980.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230. (202/377–5423).

SUPPLEMENTARY INFORMATION: On December 3, 1979, there was published in the **Federal Register** (44 FR 69317) a letter dated November 28, 1979 from the Chairman of the Commitee for the Implementation of Textile Agreements to the Commissioner of Customs establishing levels of restraint for certain categories of cotton and man-made fiber textile products, produced or manufactured in the Dominican Republic, which may be entered into the United States for consumption or withdrawn from warehouse for consumption during the twelve-month period which began on June 1, 1979 and extends through May 31, 1980. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to amend the levels of restraint previously established for Categories 340, 351, 639 and 649.

Edward Gottfried,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements, April 9, 1980.

Commissioner of Customs, Department of the Treasury, Washington, D.C. 20229.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive of November 28, 1979 from the Chairman of the Committee for the Implementation of Textile Agreements which directed you to prohibit entry during the twelve-month period beginning on June 1, 1979 and extending through May 31, 1980 of cotton and man-made fiber textile products in certain specified categories, produced or manufactured in the Dominican Republic, in excess of designated levels of restraint. It further advised you that the levels of restraint are subject to adjustment.[1]

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 7 and 8, 1979, as amended, between the Governments of the United States and Dominican Republic; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on April 16, 1979, and for the twelve-month period beginning on June 1, 1979 and extending through May 31, 1980, entry into the United States for consumption and

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 7 and 8, 1979, as amended, between the Governments of the United States and the Dominican Republic which provide, in part, that: (1) specific limits may be exceeded by 7 percent to account for swing; (2) specific limits may also be increased for carryover and carryforward up to 11 percent of the applicable category limit; (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

withdrawal from warehouse for consumption of cotton and man-made fiber textile products in Categories 340, 351, 639 and 649 produced or manufactured in Dominican Republic, in excess of the following levels of restraint:

Category	Amended twelve-month level of restraint [1] (dozen)
340	139,263
351	244,660
639	313,912
649	1,712,250

[1]The levels of restraint have not been adjusted to account for any imports after May 31, 1979.

The actions taken with respect to the Government of the Dominican Republic and with respect to imports of cotton and man-made fiber textile products from the Dominican Republic have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Rgister.**

Sincerely,

Edward Gottfried,

Acting Chairman, Committee for the Implementation of Textile Agreement.

[FR Doc. 80-11362 Filed 4-11-80; 8:45 am]

BILLING CODE 3510-25-M

Announcing Levels of Restraint for Certain Cotton Textile Products Exported from Brazil, Effective on April 1, 1980; Correction

On March 31, 1980, there was published in the **Federal Register** (45 FR 20989) a letter dated March 26, 1980 from the Chairman of the Committee for the Implementation of Textile Agreements establishing the levels of restraint applicable to Categories 337, 339 and 369 (pt.), produced or manufactured in Brazil and exported to the United States during the twelve-month period beginning on April 1, 1980 and extending through March 31, 1981. The units shown for Category 369 (pt.) in the letter to the Commissioner of Customs should have been "pounds" instead of "dozens".

Edward Gottfried,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 80-11361 Filed 4-11-80; 8:45 am]

BILLING CODE 3510-25-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

April 9, 1980.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 U.S.C. Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions, or reinstatements. Some forms listed as revisions may only have a change in the number of respondents or a reestimate of the time needed to fill them out rather than any change to the content of the form. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

An estimate of the number of forms that will be filled out;

An estimate of the total number of hours needed to fill out the form; and

The name and telephone number of the person or office responsible for OMB review.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register** but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Assistant Director for Regulatory and Information Policy, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper, 447-6201

New Forms

Departmental and other
Survey of Official Grain Inspection Agencies
Single time
Official grain inspection agencies, 85 responses; 15 hours
Charles A. Ellett, 395-5080

Revisions

Agricultural Marketing Service
Application for Grain License
CP–333
On occasion
Employees of official grain inspection agencies, 1,700 responses; 612 hours
Charles A. Ellett, 395–5080

DEPARTMENT OF ENERGY

Agency Clearance Officer—John Gross—633–9770

Revisions

Refiners' Monthly Cost Allocation Report
EIA–14
Monthly
Crude oil refiners, 2,100 responses; 36,750 hours
Jefferson B. Hill, 395–5867

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Agency Clearance Officer—Joseph J. Strnad—245–6511

New Forms

Food and Drug Administration
Obligations of Sponsors and Monitors of Clinical Investigations
On occasion
Mfgs. and researchers of FDA regulated products, 6,000 responses; 3,000 hours
Richard Eisinger, 395–3214

Revisions

Social Security Administration
Report on Individuals With Childhood Impairment
SSA–1323
On occasion
Public and nonpublic schools or agencies, 75,000 responses; 25,000 hours
Barbara F. Young, 395–6132

EXTENSIONS

Food and Drug Administration
Shellfish Certification Cancellation
FD–3038C
On occasion
States, District of Columbia and 3 foreign countries, 210 responses; 18 hours
Richard Eisinger, 395–3214

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—755–5184

New Forms

Housing Management
Dwelling Unit Inspection Report
HUD–52580
On occasion
Public housing agencies, 500,000 responses; 250,000 hours
Richard Sheppard, 395–3211

Policy Development and Research
Interview Guides for 1978 Grantees of the Small Cities Program
Single time
Local government officials and others running small cities, 320 responses; 280 hours
Richard Sheppard, 395–3211

ACTION

Agency Clearnce Officer—W. D. Baldrige—254–7845

New Forms

Older American Volunteer Program Transportation Survey
Single Time
Directors of Action OAVP projects, 942 responses; 471 hours
Arnold Strasser, 395–5080

SMALL BUSINESS ADMINISTRATION

Agency Clearance Officer—John Anderson—653–6890

New Forms

Women-Owned Small Business and Federal Procurement
Single time
Women-owned small business, 700 responses; 233 hours
Officer of Federal Statistical Policy and Standard, 673–7974

Export Information Survey
SBA 1174
Single time
Small firms, primarily, 25,000 responses; 6,250 hours
Edward C. Springer, 395–4814

U.S. INTERNATIONAL TRADE COMMISSION

Agency Clearance Officer—Charles Ervin—523–0267

New Forms

Mushroom Importers' Questionnaire [1]
Single time
Importers of canned mushrooms, 104 responses; 1,040 hours
Phillip T. Balazs 395–4814

Mushroom Growers' Questionnaire [1]
Single time
Mushroom growers, 100 responses; 1,000 hours
Phillip T. Balazs, 395–4814

Canned Mushroom Purchasers' Questionnaire [1]
Single time
Purchasers of canned mushrooms, 60 responses; 600 hours
Phillip T. Balazs, 395–4814

Mushroom Canners' Questionnaire [1]
Single time
Canners of mushrooms, 45 responses, 720 hours
Phillip T. Balazs, 395–4814

C. Louis Kincannon,

Acting Deputy Assistant Director for Reports Management.

[FR Doc. 80–11422 Filed 4–11–80; 10:53 am]

BILLING CODE 3110–01–M

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[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 this product within the statutory time limits.

Sunshine Act Meetings

Federal Register
Vol. 45, No. 73
Monday, April 14, 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-276, Amdt. 3; April 9, 1980]

CIVIL AERONAUTICS BOARD.

Addition of item to the April 10, 1980 meeting agenda.

TIME AND DATE: 9:30 a.m., April 10, 1980.

PLACE: Room 1027, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT: 15a Docket 37868, Boston-London Service Case.

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

SUPPLEMENTARY INFORMATION: Since April 10, 1980 is the last Board Meeting for three weeks and the staff was not able to complete this item sooner, it is necessary to schedule this item for that meeting on short notice in order to notify the eligible carrier as soon as possible. Accordingly, the following Members have voted that agency business requires the addition of Item 15a to the April 10, 1980 agenda and that no earlier announcement was possible:

Chairman, Marvin S. Cohen
Member, Elizabeth E. Bailey
Member, Gloria Schaffer
Member, George A. Dalley

[S-750-80 Filed 4-10-80; 3:26 pm]

BILLING CODE 6320-01-M

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 3:00 p.m., April 16, 1980.

PLACE: 2033 K Street, N.W., Washington, D.C., 5th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement Matter—proposed administrative action.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-742-80 Filed 4-10-80; 11:07 am]

BILLING CODE 6351-01-M

3

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (Eastern Time), Tuesday, April 15, 1980.

PLACE: Commission Conference Room, No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street, N.W., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

Open to the Public

1. Freedom of Information Act Appeal No. 80-1-FOIA-13, concerning a request by a company for statistics developed by a Commission attorney.
2. Freedom of Information Act Appeal No. 79-1-FOIA-456, concerning requests by two former employees for their charge files.
3. Report on Commission Operations by the Executive Director.

Closed to the Public

1. Ratification of Notation Vote concerning withdrawal of Commissioner's charge.
2. Litigation Authorization; General Counsel Recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION: Marie D. Wilson, Executive Officer, Executive Secretariat, at (202) 634-6748.

This notice issued April 8, 1980.

[S-751-80 Filed 4-10-80; 3:48 pm]

BILLING CODE 6570-06-M

4

[USITC SE-80-22]

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 10:00 a.m., Tuesday, April 22, 1980.

PLACE: Room 117, 701 E Street, N.W., Washington, D.C. 20436.

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:

Portions Open to the Public

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary: a. Steel jacks (Docket No. 647).
5. Dextrines from EC (Inv. 701-TA-11 through -19 and -22 through -30—briefing and vote.
6. Portable electric typewriters (Inv. 731-TA-12)—vote.
7. Any items left over from previous agenda.

Portions Closed to the Public

6. Portable electric typewriters (Inv. 731-TA-12)—briefing.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

[S-748-80 Filed 4-10-80; 3:20 pm]

BILLING CODE 7020-02-M

5

[USITC SE-80-23]

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 10:00 a.m., Thursday, April 24, 1980.

PLACE: Room 117, 701 E Street, N.W., Washington, D.C., 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Melamine from Italy, Netherlands, and Austria (Inv. 731-TA-13, -14, and -16)—briefing and vote.
2. Weighing machinery and scales from Japan (Inv. 701-TA-7)—briefing and vote.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

[S-749-80 Filed 4-10-80; 3:20 pm]

BILLING CODE 7020-02-M

6

INTERSTATE COMMERCE COMMISSION.

TIME AND DATE: 9:30 a.m., Tuesday, May 27, 1980.

PLACE: Hearing Room A, Interstate Commerce Commission Building, 12th and Constitution Avenue NW., Washington, D.C. 20423.

STATUS: Open Special Conference.

MATTERS TO BE DISCUSSED:

1. Compliance and Enforcement Issues.

2. Fitness Policy.

CONTACT PERSON FOR MORE INFORMATION: Douglas Baldwin, Director, Office of Communications, Telephone: (202) 275–7252.

[S–745–80 Filed 4–10–80; 2:57 pm]

BILLING CODE 7035–01–M

7

NATIONAL CREDIT UNION ADMINISTRATION.

TIME AND DATE: 9:30 a.m., Thursday, April 17, 1980.

PLACE: 1776 G Street, N.W., Washington, D.C., 7th Floor Board Room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Review of Central Liquidity Facility Lending Rates.
2. Division of Assets, Liability and Capital under Part 709 of the Rules and Regulations. (Spinoff from Davey McKee Lakeland FCU No. 133346.)
3. Report on actions taken under delegations of authority.
4. Application for charters, amendments to charters, bylaw amendments, mergers as may be pending at that time.

CONTACT PERSON FOR MORE INFORMATION: Rosemary Brady, Secretary of the Board, telephone (202) 357–1100.

[S–746–80 Filed 4–10–80; 2:57 pm]

BILLING CODE 7535–01–M

8

NATIONAL CREDIT UNION ADMINISTRATION BOARD.

Change in Subject of Meeting

The National Credit Union Administration Board has determined that its business requires that the previously announced meeting on Thursday, April 10, 1980, include the following additional items which will be closed to public observation under the exemptions (8) and (9)(A)(ii) of the Government in the Sunshine Act (5 U.S.C. § 552b(c)):

1. Special Assistance Under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
2. Merger. Closed pursuant to exemptions (8) and (9)(A)(ii).

Earlier announcement of this change was not possible.

The previously announced items are:

1. Administrative Actions.
2. Department of Labor proposed regulation.

The meeting will be held at 3 p.m. in the 7th floor Board Room, 1776 G Street, N.W., Washington, D.C.

FOR MORE INFORMATION CONTACT: Rosemary Brady, Secretary of the Board, telephone (202) 357–1100.

[S–747–80 Filed 4–10–80; 2:57 pm]

BILLING CODE 7535–01–M

9

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Week of April 14 (changes).

PLACE: As indicated.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Monday, April 14; Commissioners' Conference Room—1717 H Street NW.

9:30 a.m.

1. Discussion of Management-Organization and Internal Personnel Matters (approximately 1 hour, closed—exemptions 2 and 6) (Additional Item).

10:30 a.m.

1. Discussion of a Study of the Separation of Functions and Ex Parte Rules in NRC Adjudications for Domestic Licensing (approximately 1½ hours, public meeting).

2:00 p.m.

1. Discussion of Comments and Options on Indian Point Nuclear Power Station (public meeting, as announced).

Tuesday, April 15; Bethesda (East-West Towers—Room 550) East West Highway

10:00 a.m.

1. Briefing on Status of Review of Environmental Qualification of Electrical Components at Operating Power Reactors (approximately 2 hours, public meeting) (rescheduled from 4/16).

2:00 p.m.

1. Briefing on Interim Actions on Performance Testing for Personnel Dosimetry (as announced).
2. Briefing on Investigation of QA-QC Problems at South Texas Nuclear Project (closed—exemption 5) (as announced).

Wednesday, April 16; Commissioners' Conference Room—1717 H Street NW.

10:00 a.m.

1. Discussion of Accident Considerations Under NEPA (as announced).

2:00 p.m.

1. Briefing on Low-Power License for Salem (approximately 2 hours, public meeting) (rescheduled from 4/15).
2. Affirmation Session (as announced):
   a. Buckley FOIA Appeal,
   b. Review of ALAB's 577 and 581 (Carolina P&L),
   c. Delegation of Authority to Regional Directors.
3. Time Reserved for Discussion and Vote on Affirmation Items (as announced).

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR DAILY UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status whenever possible.

Dated: April 9, 1980.

Walter Magee,

Office of the Secretary.

[S–744–80 Filed 4–10–80; 1:05 pm]

BILLING CODE 7590–01–M

10

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meeting on Thursday, April 10, 1980, in Room 825, 500 North Capitol Street, Washington, D.C.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A), and (10) and 17 CFR 200.402(a) (4), (8), (9)(i), and (10).

Chairman Williams and Commissioners Loomis, Evans, and Pollack determined to hold the aforesaid meeting in closed session and that Commission business required consideration of this matter and no earlier notice therof was possible.

The subject matter of the closed meeting scheduled for Thursday, April 10, 1980, at 10:00, will be:

Regulatory matter bearing enforcement implications.

Formal order of investigation.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: George Yearsich at (202) 272–2178.

April 9, 1980.

[S–741–80 Filed 4–10–80; 9:46 am]

BILLING CODE 8010–01–M

11

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission

will hold the following meetings during the week of April 14, 1980, in Room 825, 500 North Capitol Street, Washington, D.C.

Closed meetings will be held on Tuesday, April 15, 1980, at 9:00 a.m., and on Wednesday, April 16, 1980, at 9:00 a.m. and immediately following the 10:00 a.m. open meeting. An open meeting will be held on Wednesday, April 16, 1980, at 10:00 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A), and (10) and 17 CFR 200.402(a) (4), (8), (9)(i), and (10).

Chairman Williams and Commissioners Loomis, Evans, and Pollack determined to hold the aforesaid meetings in closed session.

The subject matter of the closed meeting scheduled for Tuesday, April 15, 1980, at 9:00 a.m., will be:

Formal orders of investigation.
Regulatory matter bearing enforcement implications.
Access to investigative files by Federal, State, or Self-Regulatory Authorities.
Cooperation with other law enforcement agency.
Litigation matters.
Institution of injunctive action.
Freedom of Information Act appeals.
Opinions.
Administrative proceedings of an enforcement nature.

The subject matter of the closed meeting scheduled for Wednesday, April 16, 1980, at 9:00 a.m., will be:

Regulatory matters bearing enforcement implications.

The subject matter of the closed meeting scheduled for Wednesday, April 16, 1980, immediately following the 10:00 a.m. open meeting, will be:

Opinion.

The subject matter of the open meeting scheduled for Wednesday, April 16, 1980, at 10:00 a.m., will be:

1. Consideration of whether to amend Rule 17a–7 under the Investment Company Act of 1940 to exempt, subject to conditions, the purchase or sale of certain securities between a registered investment company and a person which is an affiliated person of such company (or an affiliated person of such a person) solely by reason of having a common investment adviser, common officers, and/or common directors. For further information, please contact Mark J. Mackey at (202) 272–3045.

2. Consideration of whether to grant a modification of the terms and conditions upon which John R. Patterson was permitted to reenter the securities business in a non-supervisory, non-proprietary capacity as a registered representative with Offerman & Co., Inc., a registered broker-dealer. For further information, please contact David P. Tennant at (202) 272–2947.

3. Consideration of whether to issue a release requesting public comments on a proposed amendment of the requirements for the filing of amendments to Schedule 13D in Rule 13d–2(a), which provides in general that an amendment is required whenever a material change occurs in the information relating to beneficial ownership information set forth in Schedule 13D; the proposed amendment would delete an exception to these requirements for acquisitions of less than two percent during any twelve-month period. For further information, please contact W. Scott Cooper at (202) 272–2589.

4. Consideration of whether to grant the application of Doherty & Co. and Edward F. Doherty for relief pursuant to Rule 252(f) of Regulation A. For further information, please contact Thomas J. Baudhuin at (202) 272–2644.

5. Consideration of whether to affirm action, taken by the Duty Officer, denying a request to review a no-action position taken by the Division of Corporation Finance regarding the applicability of Rule 14d–2(b), promulgated under Section 14(d) of the Securities Exchange Act of 1934, to a shareholder proposal which may be presented at the annual meeting of Financial General Bankshares, Inc. shareholders. For further information, please contact Richard K. Wulff at (202) 272–2741.

6. Consideration of whether to recommend a proposal to Congress to adopt amendments to Sections 304(a)(8) and 304(a)(9) of the Trust Indenture Act of 1939 to increase the aggregate amount of debt securities that may be partially or totally exempt from that Act. For further information, please contact Robert Rupp at (202) 272–2644.

7. Consideration of whether to grant the request of Rogers and Wells for waivers of imputation of disqualification pursuant to Rule 6(e) of the Commission's Conduct Regulation. For further information, please contact Myrna Siegel at (202) 272–2430.

8. Consideration of whether to grant the appeal of FOI Services, Inc. under the Freedom of Information Act ("FOIA") from the denial of its request for documents in the Commission's possession or custody relating to the work to be performed by a consulting firm, Environmental Research and Technology, Inc. ("ERT"), for the United States Steel Company ("USSC"), which work was required pursuant to the terms of the final Commission opinion and order settling the Commission's administrative proceeding against USSC; ERT has requested that confidential treatment pursuant to Exemption 4 of the FOIA be accorded portions of the project proposal prepared by it for USSC. For further information, please contact Theodore Bloch at (202) 272–2454.

9. Consideration of whether to affirm action, taken by the Duty Officer, approving the request of Baker, Glast, Riddle, Tuttle & Elliott for a waiver of imputed disqualification pursuant to Rule 6(e) of the Commission's Conduct Regulation. For further information, please contact Myrna Siegel at (202) 272–2430.

10. Consideration of whether to issue a release which would amend Rule 3–18(k) of Regulation S–K to postpone the audit requirement for disclosures of oil and gas reserve information until a decision is reached on requiring this information in the primary financial statements of oil and gas producers. For further information, please contact James. L. Russell at (202) 272–2133.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact John Granda at (202) 272–2091.

April 10, 1980.

[S–743–80 Filed 4–10–80; 11:17 am]

BILLING CODE 8010–01–M

12

TENNESSEE VALLEY AUTHORITY: (Meeting No. 1240).

TIME AND DATE: 7:00 p.m., EST, Thursday, April 17, 1980.

PLACE: Liberty Bell Complex, The Little Theatre, Doak Street, Johnson City, Tennessee.

STATUS: Open.

Old Business

1. Further Consideration of Director Clement's Request that TVA Reduce Power System Costs by 5 Percent.

New Business

A—Project Authorizations

1. No. 3062.1—Amendment to project authorization for advance waste heat control (in collaboration with U.S. Environmental Protection Agency).

2. No. 3512—Construction of a new chimney and associated plant modifications at Colbert Steam Plant Units 1–4.

B—Purchase Awards

1. Req. No. 826848—Isokinetic stack sampling stations for Sequoyah and Watts Bar Nuclear Plants.

2. Amendment to Contract 76K61–86790 with General Electric Company for turbine-generators for Yellow Creek Nuclear Plant.

3. Req. No. 824669 (Reissue)—Standby diesel engine-driven generating units for Yellow Creek Nuclear Plant.

4. Req. No. 108287—Conductor cable, ACSR, for Phipps Bend-Sullivan 500-kV transmission line and various other transmission lines.

5. Amendment to Contract 78K50–821100 with Zurn Industries, Inc., for cooling towers for Hartsville and Phipps Bend Nuclear Plants.

6. Req. No. 825930—Construct access railroad for Yellow Creek Nuclear Plant.

C—Power Items

1. Letter agreement with the Arnold Engineering Development Center (AEDC) providing for a temporary extension of the existing power supply arrangements under Contract TV-33420A, as amended.

2. Lease and amendatory agreement with Sheffield, Alabama, covering lease of TVA's Cherokee District Substation.

3. Standard-form agreement covering arrangements for certain distributors' participation in TVA's Air-Conditioning Cycling Program.

4. Proposed uranium property acquisition in the Gas Hills Mining District of Wyoming from Federal-American Partners (FAP), amendment to the Exploration and Milling Agreement with FAP, and assignment of certain leasehold interests by TVA to FAP.

D—Personnel Actions

1. Renewal of consulting contract with Roland A. Kampmeier, Chattanooga, Tennessee, for advice and assistance in connection with TVA's power programs and energy-related programs, requested by the Office of Power.

2. Renewal of consulting contract with Gabriel O. Wessenauer, Chattanooga, Tennessee, for advice and assistance in connection with TVA's power programs and energy-related programs, requested by the Office of Power.

3. Employees Health and Safety Incentive Programs—Phipps Bend Nuclear Plant Construction Project and Division of Chemical Operations.

E—Real Property Transactions

1. Grant of permanent easement to the Louisville and Nashville Railroad Company for approaches to a railroad bridge, affecting approximately 0.41 acre of Guntersville Reservoir land located in Jackson County, Alabama—Tract XTGR-132RR.

2. Filing of condemnation suits.

F—Unclassified

1. Agreement with the State of Tennessee for construction of a truck climbing lane to facilitate deliveries to Hartsville Nuclear Plant.

2. Revised TVA Policy Code relating to personal services contracts.

3. Settlement of litigation brought by Aaron H. Lancaster against TVA and Robert Darnell, a TVA employee, for injuries and property damage as the result of a vehicular accident.*

Dated: April 10, 1980.

CONTACT PERSON FOR MORE INFORMATION: Craven H. Crowell, Jr., Director of Information, or a member of his staff can respond to requests for information about this meeting. Call (615) 632-3257, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 245-0101.

[S-752-80 Filed 4-10-80; 4:04 pm]

BILLING CODE 8120-01-M

*Approved by individual Board members. This would give formal ratification to the Board's action.

federal register

Monday
April 14, 1980

Part II

Water Resources Council

Proposed Rules; Principles, Standards, and Procedures for Planning Water and Related Land Resources

WATER RESOURCES COUNCIL

18 CFR Parts 710, 711, 713, 714 and 716

Principles, Standards, and Procedures for Water Resources Planning

AGENCY: U.S. Water Resources Council.

ACTION: Proposed Rules.

SUMMARY: The Water Resources Council proposes to publish rules for water resources planning, pursuant to the Water Resources Planning Act of 1965 (42 U.S.C. 1962 et seq.). The intent of these rules is to ensure consistency and accuracy among Federal agencies in water resources planning.

DATES: Comments are due on or before June 13, 1980. See Supplementary Information for dates of public meetings.

ADDRESS: Interested persons are invited to submit written comments to the Director, U.S. Water Resources Council, 2120 L Street NW., Washington, D.C. 20037. All written comments made pursuant to this notice will be available for public inspection at the address given above. See Supplementary Information for addresses of public meetings.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, U.S. Water Resources Council, telephone 202/254–6453.

SUPPLEMENTARY INFORMATION:

Authority

The Water Resources Planning Act of 1965 directs the Water Resources Council to establish "principles, standards, and procedures for Federal participants in the preparation of comprehensive regional or river basin plans and for the formulation and evaluation of Federal water and related land resources projects." (42 U.S.C. 1962a–2)

The Act also authorizes the Council to "make such rules and regulations as it may deem necessary or appropriate for carrying out those provisions of this Act which are administered by it." (42 U.S.C. 1962d–1)

Section 102(2)(B) of the National Environmental Policy Act of 1969 requires Federal agencies to "identify and develop methods and procedures * * * which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations." (42 U.S.C. 4332) This requirement for Federal agencies is also included in the Council on Environmental Quality's Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (40 CFR 1507.2(b)).

Background

The Principles and Standards for Planning Water and Related Land Resources were published as a Notice in the **Federal Register** on September 10, 1973 (38 FR 24778). The Standards were amended on August 14, 1974 (39 FR 29242) pursuant to the provisions of Section 80 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–17).

On July 12, 1978, the President issued a directive titled "Improvements in the Planning and Evaluation of Federal Water Resources Programs and Projects." This directive requires the Water Resources Council to prepare a planning manual to ensure accuracy and consistency in Federal water resources programs and projects. The President also directed the Council to modify the 1973 Principles and Standards to: accomplish the full integration of water conservation into project and program planning and review, as a component of both the economic development and environmental quality objectives; and require the preparation and inclusion of a primarily nonstructural plan as one alternative whenever structural project and program alternatives are considered.

On January 5, 1979, additional direction was given by the President in Excecutive Order 12113 (44 FR 1955), which directed the Council to ensure that it has established a current set of principles, standards, and procedures.

On December 14, 1979, the Water Resources Council adopted and published Procedures for Evaluation of National Economic Development (NED) Benefits and Costs in Water Resources Planning as a final rule, 18 CFR Part 713 (44 FR 72892). Also, on December 14, 1979, the Principles and Standards were revised (44 FR 72978) to incorporate policies on water conservation and nonstructural measure considerations.

Part 710 of the proposed rules states the principles for the following three levels of planning: (1) Level A—framework studies and assessments; (2) Level B—regional and river basin studies that lead to a recommended plan; and (3) Level C—implementation studies. Part 711 of the proposed rules includes both the principles and standards for Level C planning. The principles are integrated with the standards for Level C planning to provide a coherent statement of principles and standards. Standards for Level B planning will be prepared by the Water Resources Council at a future date.

The rules being proposed include only part of the Federal water resources planning procedures being prepared by the Water Resources Council at the direction of the President. In addition to the December 14, 1979, NED Procedures (Part 713) and these proposed rules, other efforts will be directed toward development of procedures for plan formulation (Part 712), supplemental EQ procedures, (Part 714) development evaluation procedures for regional economic development (Part 715), and preparation of the remainder of evaluation procedures for other social effects (Part 716). It is anticipated that this additional work could begin about October 1980.

General Discussion: Part 710—Principles for Planning Water and Related Land Resources, and Part 711—Principles and Standards for Planning Water and Related Land Resources (Level C).

Agencies have experienced difficulty in implementing the September 10, 1973, Principles and Standards. Revisions are needed for clarity and conciseness, to make the Principles and Standards more understandable, and to achieve consistency in their application.

The President's June 6, 1978, message called for the reduction of duplication and inconsistency in policies and less "red tape" to implement Federal program requirements and plans. In view of this, and while addressing the need to incorporate the requirements of Executive Order 12074, Urban and Community Impact Analysis (3 CFR 217) in the Principles and Standards, the Water Resources Council, at its meeting on December 20, 1978, decided that revisions of the Principles and Standards should incorporate the requirements of Urban and Community Impact Analysis along with the requirements of other impact analyses. The Council has also recognized the need to integrate into the Principles and Standards, the requirements of the Council on Environmental Quality's Regulations for implementing the provisions of NEPA (40 CFR Parts 1500–1508).

The intent of these proposed rules (Part 710 and Part 711) is to: revise the principles and standards to be current, clear, and concise; incorporate appropriate consideration for urban and community impact analysis; and incorporate the appropriate requirements of the National Environmental Policy Act and regulations established by the Council on Environmental Quality in 40 CFR Parts 1500–1508. The proposed rules are

not intended to modify the basic concepts of the 1973 Principles and Standards (as revised).

General Discussion: Part 713—Procedures for Evaluation of National Economic Development (NED) Benefits and Costs in Water Resources Planning (Level C).

During the preparation of the December 14, 1979, Procedures for Evaluation of National Economic Development (NED) Benefits and Costs in Water Resources Planning (18 CFR Part 713), procedures for deep draft navigation and commercial fishing were deferred for further development. These procedures have now been prepared as Subparts J and L of Part 713. Benefits to commercial trapping, which had been considered, are not included because Federal water resources plans have little impact on commercial production of furbearing animals.

The Council also proposes to amend Subpart A to state that the applicability of Subparts J and L will be at the discretion of the Secretaries of Departments through fiscal year 1981.

General Discussion: Part 714 Environmental Quality (EQ) Evaluation Procedures for Level C Water Resources Planning.

The intent of these proposed procedures is to ensure consistency and accuracy among agencies in the analysis of beneficial and adverse environmental quality (EQ) effects of alternative plans for water and related land resource development.

In developing these procedures it is recognized that the state of the art for analysis of EQ effects has not matured to the point where acceptable, specific, quantitative measurement and evaluation techniques could be adopted as requirements. Therefore, the Council intends to further investigate the development of such techniques, and will supplement these procedures with specific, acceptable, valid techniques as they become available.

Public comment is invited on all aspects of these procedures. Specific comments on the following issues would be of particular assistance:

A. A concept of EQ value is used as a basis for defining the quality of resources. The EQ values identified in the draft procedures are: ecological, aesthetic, historic, educational/scientific, and pristine values (see § 714.350). Is this a valid approach to defining resource quality? If so, what values, if any, should be added to or dropped from this set?

B. The procedures present a process for evaluating effects of alternative plans on EQ resources. The process is performed in four phases: scoping, inventorying, assessment, and appraisal (see Subpart D). Is this process a proper focus for EQ evaluation procedures? If not, what would you propose? For example, would a different outline, such as one focused on EQ values or one focused on administrative classes of resources (as listed in column 1, Table 714.410–1) be a better basis for EQ evaluation procedures?

C. Paragraph 714.410(a)(3) presents criteria for identifying resources to be evaluated in addition to federally recognized resources listed in Table 714.410–1. The criteria are: location in study area; likelihood of being affected; possession of material EQ value; and significance based on institutional, public, or technical recognition. Is this a valid set of criteria for identifying such resources? If not, what criteria should be used?

D. Techniques for measuring and forecasting the quantity and quality of EQ resources are generally described, but their use is not specifically required (see §§ 714.410(b)(3) and 714.420(b)(4) and (c)(3)). Should other techniques be included? If so, what techniques should be added? Should the use of any specific techniques be mandated at this time?

E. The appraisal of significant effects as either beneficial or adverse is based on a comparison of future resource conditions with and without plans, to guidelines (see § 714.440(a)). Is this use of guidelines a valid approach to determining the desirability of effects? If not, what approach should be used?

F. The determination of the net EQ effect of an alternative plan is based on the judgment of the agency decisionmaker. However, no specific techniques to facilitate this judgment have been provided. Can you recommend any techniques or alternative approaches that would be useful in determining net EQ effect?

G. EQ effects are often evaluated in terms of descriptive categories, such as enhancement, improvement, conservation, preservation, protection, creation, and restoration. This approach has not been included in these procedures due to the apparent lack of a comprehensive set of categories, and clear, acceptable definitions for categories. Should a set of such categories be included in these procedures? If so, what function should they perform in EQ evaluation; what categories should be included; and what are the differences among the categories that should be included?

General Discussion: Part 716—Procedures for Evaluation of Other Social Effects in Level C Water Resources Planning: Subparts A and E.

One of the items addressed in the President's Directive of July 12, 1978, was the "consideration and display of engineering uncertainty" associated with Federal water resources projects. A proposed procedure for evaluating the cost of possible dam failure was included in the proposed rules for the National Economic Development (NED) Procedures (44 FR 30198) but it was not published as a final rule under 18 CFR 713. The issue of assignment of a probability of failure to individual dams to calculate an expected cost of dam failure for inclusion in the NED Procedures remains unresolved.

In responding to the President's Directive to consider and display engineering uncertainty, the proposed procedure calls for the estimation and display of the adverse effects of dam failure in the Other Social Effects (OSE) account. Since average annual monetary values are not required in the OSE account, effects of a potential dam failure can be described without regard to the probability of occurrence.

Public Meetings

Public meetings on all Parts of the proposed rules will be held as follows:

May 20—9 a.m. to 5 p.m., Federal Building, Room 140, 601 East 12th Street, Kansas City, MO 64106.

May 23—9 a.m. to 5 p.m., United States District Court, Ceremonial Courtroom, 19th Floor, 450 Golden Gate Avenue, San Francisco, CA 94102.

May 29—9 a.m. to 5 p.m., Lower Level Conference Room, U.S. Water Resources Council, 2120 L Street, NW., Washington, DC 20037.

The amount of time for oral statements during the meetings will be limited. Anyone planning to make a statement should write or telephone Peggy Kilburn, Water Resources Council, 2120 L Street, N.W., Washington, DC., 20037, (telephone 202/254–6453) and indicate which meeting will be attended and the time of day preferred. The Council will schedule the time as closely as possible to that requested and will notify speakers as to the time allotted.

Finalization of Rules

This publication represents the beginning of a 60-day review to receive input from all interested persons. After public review and comment has been obtained and after consultation with the Member agencies of WRC, it is intended that final rules will be developed.

Required Analyses

These proposed rules have been determined to be significant under

Executive Order 12044, and a draft regulatory analysis has been prepared.

Based on an environmental assessment, prepared in accordance with 40 CFR 1500–1508, the Director of the Council has determined that these proposed rules will not significantly affect the quality of the human environment, and signed a finding of no significant impact.

Copies of the combined draft regulatory analysis and environmental assessment, and the finding of no significant impact may be obtained from the Director, U.S. Water Resources Council, 2120 L Street, NW., Washington, DC, 20037.

Leo M. Eisel,

Director.

Proposed Rules

It is proposed that the Code of Federal Regulation, Title 18, Chapter VI be amended as follows:

1. By adding a new Part 710 to read as follows:

PART 710—PRINCIPLES FOR PLANNING WATER AND RELATED LAND RESOURCES

Subpart A—Introduction

Sec.
710.1 Purpose.
710.2 Scope.
710.3 Authority.
710.4 Applicability.

Subpart B—General Planning Considerations

710.11 General setting—projections.
710.12 Scoping.
710.13 Public participation.
710.14 Period of analysis.
710.15 Risk and uncertainty—sensitivity analysis.
710.16 Discount rate.
710.17 Relative prices and general price levels.
710.18 Review and consultation.
710.19 Interdisciplinary planning.
710.20 Ground water.
710.21 Instream flow.
710.22 Documentation.
710.23 Federal-State relationship in planning.

Subpart C—National Objectives

710.30 General.
710.31 National economic development.
710.32 Environmental quality.

Subpart D—Inventory

710.40 Inventory.

Subpart E—Alternative Plans

710.50 General.
710.51 Required alternative plans.
710.52 Other alternative plans.

Subpart F—Accounts

710.60 General.
710.61 National economic development account.
710.62 Environmental quality account.
710.63 Regional economic development account.
710.64 Other social effects account.

Subpart G—Displays

710.70 General.
710.71 Content and format.

Subpart H—Cost Allocation

710.80 Cost allocation.

Subpart I—Plan Selection

710.90 General.
710.91 Net benefits rule.

Subpart J—Planning Process

710.100 Level B and Level C studies.
710.101 Level A studies.

Subject K—National Program for Federal and Federally-Assisted Activities

710.120 National programs.

Authority: Sec. 103 and 402, Pub. L. 89–80, 79 Stat 245 (42 U.S.C. 1962a–2 and d–1).

Subpart A—Introduction

§ 710.1 Purpose.

These Principles establish rules to be followed by the Water Resources Council (WRC) and WRC-designated agencies in planning Federal and Federally-assisted water and related land resource programs and projects. Their purpose is to establish uniformity in water and related land resources planning. They provide the basic policy for the Standards and the Procedures.

§ 710.2 Scope.

(a) These Principles cover water and related land resources planning. They establish the basic process to be followed by river basin commissions and Federal agencies and specify how each phase of the process is to be performed.

(b) The national objectives and accounts covered by these Principles incorporate and are consistent with the concept of human environment as used in the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4361) and the appropriate portions of the NEPA process regulations established by the Council on Environmental Quality (CEQ) in 40 CFR Parts 1500–1508.

§ 710.3 Authority.

These Principles are established as rules pursuant to the Water Resources Planning Act of 1965, (Pub. L. 89–80) as amended (42 U.S.C. 1962a–2 and d–1). These Principles supersede the *Principles for Planning Water and Related Land Resources*, 38 FR 24781–24788, September 10, 1973, and revisions in 44 FR 72978–72980, December 14, 1979.

§ 710.4 Applicability.

(a) These Principles apply to the following three levels of Federal Water and related land resources planning as defined by WRC:

(1) *Level A—framework studies and assessments.* Level A planning studies are broad-based evaluations or appraisals designed to ascertain the desirability of conservation, development, and utilization of water and related land resources. These studies identify problems and opportunities in the nation, regions, river basins, and specific areas.

(2) *Level B–regional and river basin studies that lead to a recommended plan.* Level B planning studies are planning efforts to provide input to, or be adopted as, comprehensive, coordinated water resources plans, or portions thereof, for regions or river basins. Level B studies include strategies, policies, and programs which provide a basis for detailed studies and actions leading to implementation of Federal, State, and local government programs. Comprehensive studies specifically authorized by the Congress are to be carried out to the extent necessary to fulfill their statutory requirements.

(3) *Level C—implementation studies.* Level C studies are program or project feasibility studies generally undertaken by a single Federal agency and which are expected to result in project authorization, funding, and implementation. These studies are conducted in response to findings and conclusions identified in assessments and regional and river basin studies, or in direct response to national, or local problems and opportunities.

(b) These Principles are to be implemented by WRC and are to be applied by river basin commissions, WRC-designated Federal-State organizations, compact commissions for studies funded by WRC, and WRC-designated Federal agencies.

(c) The Chairman of WRC, the Chairman of a river basin commission, the Secretary of a department, and the head of an independent agency shall retain the discretion to exempt studies for which planning is complete or will be complete by the end of FY 1981.

(d) Authorized projects exempted from complying with the Principles and Standards of September 10, 1973 are exempt from complying with these Principles.

(e) These Principles shall take effect 30 days from the date of their publication in the **Federal Register**.

Subpart B—General Planning Considerations

§ 710.11 General setting—projections.

(a) Formulation and evaluation of alternative plans are to be based on the most likely conditions expected to exist in the future with and without the plan. The projection of with- and without-plan conditions is to be based on national and regional projections of income, employment, output, population, and land use trends, the amounts of goods and services likely to be demanded, and expected environmental conditions. The without-plan condition is the condition expected to prevail in the absence of any alternative plan in the study and is the same as the alternative of taking no action.

(b) National projections used in planning are to be based on a reasonably full employment economy. This does not preclude consideration of special analyses of regions with high rates of unemployment and underemployment in calculating benefits from using unemployment and underemployed labor resources.

(c) It is important to maintain conceptual, methodological, and geographical consistency in regard to projections among Level A and Level B planning studies. To accomplish this, national/regional projections of population and economic activity are prepared for and published by the WRC. These projections are to be the basis for establishing the with- and without-plan conditions unless it is determined by the planner that these projections are not appropriate. If these projections are not appropriate, the planning report will contain an explanation as to why the plan has been based on other projections.

§ 710.12 Scoping.

Planning is to include an early and open process termed "scoping" to identify both the likely significant issues and the range of issues to be addressed. Scoping is to be used as appropriate throughout planning to ensure that all significant decisionmaking factors are addressed.

§ 710.13 Public participation.

Interested and affected agencies, groups, and individuals are to be provided opportunities to participate throughout the planning process. The responsible Federal planning agency is to contact: other Federal agencies; the governors or State agencies responsible for water planning; appropriate regional, State, and local agencies; national, regional, and local groups; and individuals to solicit their participation. A joint public participation program should be established with willing agencies and groups.

§ 710.14 Period of analysis.

The period of analysis is to be the same for all effects being evaluated. The period of analysis is to be the lesser of—

(a) The period of time over which the plan would serve a useful purpose; or

(b) A period not to exceed 100 years.

§ 710.15 Risk and uncertainty—sensitivity analysis.

(a) Situations of risk are defined as those in which the potential outcomes can be described in reasonably well known probability distributions. Some types of risks, such as the probability of particular flood damages, are to be incorporated in the planning and evaluation procedures. In situations of uncertainty, potential outcomes cannot be described in objectively known probability distributions.

(b) Risk and uncertainty arise from measurement errors and from the underlying variability of complex, natural, social, and economic situations. Methods of dealing with risk and uncertainty include:

(1) Collection of more detailed data to reduce measurement error.

(2) Use of more refined analytic techniques.

(3) Increasing safety factors in design.

(4) Selection of measures with better known performance characteristics.

(5) Reducing the irreversible or irretrievable commitments of resources.

Reducing risk and uncertainty may involve increased costs or loss of benefits. The advantages and costs of reducing risk and uncertainty are to be considered in the planning process.

(c) Plans should be examined to determine the uncertainty inherent in the data or various assumptions of future economic, demographic, environmental, and technological trends. Reasonably probable projections that would, if realized, appreciably affect plan design should be analyzed.

(d) The planner's primary role in dealing with risk and uncertainty is to identify the areas of sensitivity and describe them clearly so that decisions can be based on the best available information.

§ 710.16 Discount rate.

The discount rate to be used for the formulation and economic evaluation of plans for water and related land resources will be published by the Water Resources Council at the beginning of each fiscal year. The rate will be determined in accordance with § 704.39 of this chapter.

§ 710.17 Relative prices and general price levels.

(a) Relative price relationships for outputs and inputs prevailing during or immediately preceding the period of planning are generally to be used to represent the price relationships expected over the period of analysis, unless specific considerations indicate that other assumptions should be made. Exceptions to the general rule will occur if real exchange values are expected to change over the period of analysis.

(b) The general level of prices for outputs and inputs prevailing during or immediately preceding the period of planning are to be used to represent the prices expected over the period of analysis, except to the extent that the real value of specific outputs or inputs is expected to change.

(c) It is recognized that the relationships between monetized and non-monetized values may change over the period of analysis. Any assumption of change is to be documented.

§ 710.18 Review and consultation.

Review and consultation with interested and affected agencies, groups, and individuals are required in the planning process. Reviews are to be consistent with the requirements of the NEPA process (40 CFR Parts 1500–1508). The NEPA process and the planning process described in these Principles are complementary.

§ 710.19 Interdisciplinary planning.

Planning is to use an interdisciplinary approach that will ensure the integrated use of the natural and social sciences and the environmental design arts.

§ 710.20 Ground water.

Planning studies are to give appropriate consideration to any ground water problems in the study area and the effects of the alternative plans on ground water resources.

§ 710.21 Instream flow.

Within the scope of the planning process, the responsible planning agency is to determine and consider instream flow needs relevant to the planning setting.

§ 710.22 Documentation.

Planning studies are to be documented in a clear, concise manner.

§ 710.23 Federal-State relationship in planning.

The responsible Federal planning agency or river basin commission is to contact the Governor or the designated State agency for each affected State prior to initiating a study and enter into

such agreements as are necessary to carry out a coordinated planning effort.

Subpart C—National Objectives

§ 710.30 General.

(a) Two coequal national objectives provide the basis for formulation of plans for the conservation and use of water and related land resources. These objectives are protection and enhancement of national economic development (NED) and protection and enhancement of environmental quality (EQ).

(b) Water and related land resource plans are to be formulated to improve the quality of life through contributions to the NED and EQ objectives. Plans are to be formulated to alleviate problems and take advantage of opportunities that occur at the national, regional, State, and local levels in ways that contribute to the NED and EQ objectives.

§ 710.31 National economic development.

Contributions to national economic development are identified by increases in the value of the national output of goods and services.

§ 710.32 Environmental quality.

Contributions to environmental quality are identified by protection of or improvements in the quantity of natural and cultural resources as measured in common physical units or in the quality of these resources as measured in terms of specific EQ values.

Subpart D—Inventory

§ 710.40 Inventory.

An inventory is to be made to determine the quantity and characteristics of water and related land resources of the study area and to identify opportunities for further use or preservation of those resources. The inventory is to include data appropriate to the identified problems and opportunities and the potential for formulating and evaluating alternative plans. The inventory is to identify both present and projected future resource conditions without any of the alternative plans.

Subpart E—Alternative Plans

§ 710.50 General.

(a) This subpart applies to Level B and Level C studies.

(b) An alternative plan consists of structural and/or nonstructural measures, strategies, or programs formulated to alleviate specific problems or take advantage of specific opportunities associated with water and related land resources in the study area.

(c) A range of possible alternative plans implementable by various levels of government and by nongovernment interests is to be systematically formulated in terms of the contributions of each plan to the national economic development and environmental quality objectives. Each plan is to represent an alternative for reallocating or preserving water and related land resources to alleviate the identified problems or realize the opportunities.

(d) Alternative plans are not to be limited to those the Federal planning agency could implement directly under current authorities. Plans that may be implemented under the authorities of other Federal agencies, State and local entities, and nongovernment interests are also to be considered. Therefore, the cooperative role of local, State, regional, Federal organizations, and nongovernment interests in implementing alternatives will be stressed.

(e) Measures included in alternative plans are to be in compliance with existing statutes, administrative regulations, and established common law. However, the planning effort, including the further development of alternatives, may include an evaluation of the possibility and the effect of changing such statutes, regulations, or common law.

(f) Water conservation is to be fully integrated into plan formulation as a means of achieving NED and EQ objectives. Water conservation consists of actions that will—

(1) Reduce the demand for water;

(2) Improve efficiency in use and reduce losses and waste; and/or

(3) Improve land management practices to conserve water.

A clear contrast is drawn between the above conservation elements and storage facilities. A range of measures that can, over time, balance water demanded for various purposes with water availability is to be considered.

(g) Alternative plans are to include appropriate mitigation measures as determined by the responsible Federal planning agency. Mitigation measures are to be implemented concurrently with and in proportion to the installation of other plan measures. Fish and wildlife habitat mitigation measures are to be planned in coordination with Federal and State fish and wildlife agencies as required by the rules implementing the Fish and Wildlife Coordination Act of 1958 (16 U.S.C. 661–664).

§ 710.51 Required alternative plans.

Alternative plans are to include: a national economic development plan, an environmental quality plan, and a primarily nonstructural plan. These particular plans are required to ensure that consideration is given to the widest practical range of alternative plans. The concept of a practical alternative plan means that the NED or EQ plan may include elements which address the other objective.

(a) *National economic development plan.*—A plan that maximizes net contributions to the NED objective is to be included as one alternative. This plan is to be systematically formulated to alleviate the specific problems and take advantage of the specific opportunities that define the NED objective for the relevant planning area. If no such plan can be formulated, the no action alternative is the NED plan.

(b) *Environmental quality plan.*—A plan that maximizes net contributions to the EQ objective is to be included as one alternative. This plan is to be systematically formulated to alleviate the specific problems, take advantage of the specific opportunities, and preserve the specific attributes that define the EQ objective for the relevant planning area. If no such plan can be formulated, the no action alternative is the EQ plan.

(c) *Primarily nonstructural plan.*—(1)A "primarily nonstructural" plan is to be formulated and included as a candidate plan (See § 710.90) whenever structural project or program alternatives are considered.

(2) A primarily nonstructural plan is the plan that makes maximum feasible use of nonstructural measures to address water resource problems and opportunities. The determination of maximum feasible use will be based on the maximum use of nonstructural measures that contribute to the NED and the EQ objectives.

(3) Nonstructural measures are complete or partial alternatives to the traditional structural measures for addressing water resources problems and opportunities. The ideal nonstructural alternative is the least cost, implementable modification in public policy, management practice, regulatory policy, or pricing policy that would bring marginal benefits and marginal costs for each project output into equality. The NED and EQ objectives are to serve as the basis for the measurement of costs and benefits.

§ 710.52 Other alternative plans.

Other alternative plans that make varying contributions to the NED and EQ objectives and contributions to various mixes of these objectives should be formulated so as to adequately explore the range of alternative plans for addressing the NED and EQ objectives.

Subpart F—Accounts

§ 710.60 General.

(a) This subpart applies to Level B and Level C studies.

(b) Four accounts are to be used in organizing the information on effects of candidate plans (See § 710.90). These four accounts are: national economic development (NED), environmental quality (EQ), regional economic development (RED), and other social effects (OSE). These four accounts encompass all significant effects of a plan on the human environment as required by NEPA and on social well-being as required by Section 122 of the Flood Control Act of 1970 (Pub. L. 91–611, 84 Stat. 1823).

(c) Relationships between short-term use of the environment and long-term maintenance and enhancement of productivity, are to be identified in the appropriate account or accounts. Any irreversible or irretrievable commitments of resources are also to be identified in the appropriate account or accounts.

(d) Effects of an alternative plan in each account are the differences between the projected conditions "with the plan" and projected conditions "without the plan."

(e) Values in the NED account are to be expressed in monetary units. Values in the EQ account are to be expressed in appropriate quantitative units or qualitative terms. Values in the RED account are to be expressed in a combination of monetary and other quantitative units. Values in the OSE account are to be expressed in monetary units, other quantitative units, or qualitative terms.

(f) Monetary values in the accounts are measured in annual sums and converted to average annual equivalents by appropriate discounting techniques.

§ 710.61 National economic development account.

(a) Beneficial effects in the NED account are increases in the economic value of the national output of goods and services. These beneficial effects include: the value of goods and services from a plan; the value of output resulting from external economies caused by a plan; and the value associated with the use of otherwise unemployed or underemployed labor.

(b) Adverse effects in the NED account are the opportunity costs of resources used in the production of structural and nonstructural measures in a plan. In evaluating NED costs, resource use is broadly defined to include all aspects of the economic value of the resource. This requires consideration of the direct and indirect, private and public uses that producers and consumers are currently making of available resources or are expected to make of them in the future. For convenience of measurement and analysis, NED costs are to be classified as project outlays, associated costs, other direct costs, and external diseconomies.

§ 710.62 Environmental quality account.

(a) Beneficial effects in the EQ account are improvements in the quantity of natural and cultural resources or in the quality of these resources as measured by ecological, aesthetic, historic, educational/scientific, and pristine values. The evaluation of EQ benefits is based on a process that includes scoping, inventory, assessment, and appraisal.

(b) Adverse effects in the EQ account are unfavorable changes in the quantity of natural and cultural resources or in the quality of these resources as measured by ecological, aesthetic, historic, educational/scientific, and pristine values. The evaluation of adverse effects is based on the same process used for evaluating EQ benefits.

§ 710.63 Regional economic development account.

(a) The RED account registers changes in the distribution of regional economic activity as a result of each alternative plan. Two measures of the effects of the plan on regional economies are used in the account: regional income and regional employment.

(b) The regions used for RED analysis are those regions within which the plan will have particularly signficant income and employment effects. Effects of a plan not occurring in the significantly affected regions are to be placed in a "rest of nation" category.

(c) There are major difficulties in estimating some effects in the RED account. RED effects may be excluded if they cannot be estimated in a sound manner or will not have a material bearing on the decisionmaking process.

§ 710.64 Other social effects account.

(a) The OSE account registers plan effects from perspectives which are not reflected in the other three accounts. The categories of effects in the OSE account may be the following: urban and community impacts (Office of Management and Budget Circular A–116); life, health, and safety factors; energy requirements and conservation.

(b) Effects that cannot be satisfactorily quantified or described with available methods, data, and information or will not have a material bearing on the decisionmaking process may be excluded from the OSE account.

Subpart G—Displays

§ 710.70 General.

(a) This subpart applies to Level B and Level C studies.

(b) Displays are graphs, tables, and summary statements in a format which facilitates the analysis and comparison of alternative plans. Concise, understandable displays are needed during the planning process and to provide documentation in compliance with NEPA.

§ 710.71 Content and format.

(a) Displays are to report the present and projected future resource conditions without any of the alternative plans and described the problems and opportunities related to the planning setting.

(b) Displays regarding candidate plans (See § 710.90) are to include—

(1) Measures in each plan; and

(2) Effects in the NED, EQ, RED, and OSE accounts.

Subpart H—Cost Allocation

§ 710.80 Cost allocation.

(a) This subpart applies to Level B and Level C studies.

(b) Cost allocation is the process of apportioning financial costs among purposes served by a plan. The need for cost allocation among purposes stems from pricing and cost-sharing policies that vary among purposes. Cost allocation among purposes and the apportionment of cost shares to Federal and non-Federal public and private and private interests are steps in the preparation of RED and OSE accounts.

(c) Financial costs are to be allocated to those purposes served by a plan. All purposes are to be treated comparably.

Subpart I—Plan Selection

§ 710.90 General.

(a) This subpart applies to Level B and Level C studies.

(b) The planning process leads to identification of alternative plans that could be recommended or selected. These plans are referred to as candidate plans. It is from among these plans that a recommended plan is to be selected. The culmination of the planning process is the selection of the recommended plan to be implemented, or the decision to take no action. The selection is to be based upon a comparison of effects of alternative plans.

§ 710.91 Net benefits rule.

(a) A recommended plan (when considered individually on the basis of the with-plan versus without-plan comparison) must have combined beneficial NED and EQ effects that outweigh combined adverse NED and EQ effects. For example, a plan lacking net NED benefits may be recommended if net EQ benefits are sufficiently large, even though EQ benefits are not stated in monetary terms.

(b) The affected river basin commission, Secretary of a Department, or head of an independent agency may make an exception to the net benefits rule if circumstances warrant such exception. A decision to make an exception is to be documented and the reasons given.

Subpart J—Planning Process

§ 710.100 Level B and Level C studies.

(a) Level B and Level C water and related land resources planning consists of the following major steps:

(1) Specify the water and related land resources problems and opportunities (relevant to the planning setting) associated with the NED and EQ objectives;

(2) Inventory and analyze water and related land resource conditions within the planning area;

(3) Formulate alternative plans;

(4) Evaluate the effects of the alternative plans;

(5) Compare alternative plans; and

(6) Select a recommended plan based upon the comparison of alternative plans.

(b) Plan formulation is a dynamic process whose various steps should, at a minimum, be reiterated one or more times. This reiteration process, which may occur at any step, may sharpen the planning focus or changes its emphasis as new data are obtained or as the specification of problems or opportunities changes or becomes more clearly defined.

§ 710.101 Level A studies.

Any appropriate planning process may be chosen for Level A studies. Level A studies may involve only phases 1 and 2 of the process specified for Level B and Level C studies.

Subpart K—National Program for Federal and Federally Assisted Activities

§ 710.120 National programs.

The formulation of national programs requires that priorities be established among recommended plans for projects, States, regions, and river basins. Considerations such as budget resources, national environmental policy, and alternative public and private investments will provide the basis for formulating national programs.

2. By adding a new Part 711 to read as follows:

PART 711—PRINCIPLES AND STANDARDS FOR PLANNING WATER AND RELATED LAND RESOURCES—LEVEL C

Subpart A—Introduction

Sec.
711.1 Purpose.
711.2 Scope.
711.3 Authority.
711.4 Applicability.

Subpart B—General Planning Considerations

711.11 General setting—projections.
711.12 Scoping.
711.13 Public participation.
711.14 Period of analysis.
711.15 Risk and uncertainty—sensitivity analysis.
711.16 Discount rate.
711.17 Relative prices and general price levels.
711.18 Review and consultation.
711.19 Interdisciplinary planning.
711.20 Ground water.
711.21 Instream flow.
711.22 Documentation.
711.23 Federal-State relationship in planning.

Subpart C—National Objective

711.30 General.
711.31 National economic development.
711.32 Environmental quality.

Subpart D—Inventory

711.40 Resource conditions.
711.41 Problems and opportunities.
711.42 Constraints.

Subpart E—Alternative Plans

711.50 General.
711.51 Required alternative plans.
711.52 Other alternative plans.

Subpart F—Accounts

711.60 General.
711.61 National economic development account.
711.62 Environmental quality account.
711.63 Regional economic development account
711.64 Other social effects account.

Subpart G—Displays

711.70 General.
711.71 Content and format.

Subpart H—Cost Allocation

711.80 General.
711.81 Basic concepts.
711.82 Cost allocation procedures.
711.83 Allocation of component cost.
711.84 Two-step procedure for determining separable cost.
711.85 Use of other methods.
711.90 General.
711.91 Candidate plans.

Subpart I—Plan Selection

Sec.
711.92 Selection.
711.93 Net benefits rule.

Subpart J—Planning Process

711.100 Introduction.
711.101 Major steps.
711.102 Specification of the problems and opportunities associated with the NED and EQ objectives.
711.103 Inventory water and related land resource conditions within the planning area.
711.104 Formulation of alternative plans.
711.105 Evaluation of effects.
711.106 Comparison of alternative plans.
711.107 Plan selection.
711.108 Reiteration.

Authority: Sec. 103 and 402, Pub. L. 89–90, 79 Stat. 245 (42 U.S.C. 1962a–2 and d–1).

Subpart A—Introduction

§ 711.1 Purpose.

These Principles and Standards establish rules to be followed by the Water Resources Council (WRC) and WRC-designated agencies in planning Federal and Federally-assisted water and related land resource programs and projects. Their purpose is to establish uniformity in water and related land resources planning. These Principles and Standards include the Principles required for Level C studies established as Part 710 of this chapter. They provide the basic policy for the Procedures (Level C).

§ 711.2 Scope.

(a) These Principles and Standards cover water and related land resources planning. They establish the basic process to be followed by the Federal agencies and specify how each phase of the process is to be performed.

(b) The national objectives and accounts covered by these Principles and Standards incorporate and are consistent with the concept of human environment as used in the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4361) and the appropriate portions of the NEPA process regulations established by the Council on Environmental Quality (CEQ) in 40 CFR Parts 1500–1508.

§ 711.3 Authority.

These Principles and Standards are established as rules pursuant to the Water Resources Planning Act of 1965 (Pub. L. 89–80), as amended (42 U.S.C. 1962a–2 and d–1). These Principles and Standards supersede the *Principles and Standards for Planning Water and Related Land Resources*, 38 FR 24781–24862, September 10, 1973, revisions in 44 FR 72978–72990, December 14, 1979, and revisions in 39 FR 29242, August 14, 1974.

§ 711.4 Applicability.

(a) These Principles and Standards apply to the planning of Level C Implementation Studies which are defined as program or project feasibility studies generally undertaken by a single Federal agency and which are expected to result in project authorization, funding, and implementation. These studies are conducted in response to findings and conclusions identified in assessments and regional and river basin studies, or in direct response to national, regional, State or local problems and opportunities. The following agency activities are explicitly covered:

(1) Corps of Engineers water resources projects.

(2) Water and Power Resources Service water resources projects.

(3) Tennessee Valley Authority water projects.

(4) Soil Conservation Service water and related land resources projects.

(5) National Park Service, Heritage Conservation and Recreation Service, and Forest Service national recreation area projects.

(6) Forest Service and National Park Service wild, scenic, and recreational river studies.

(7) Fish and Wildlife Service Federal waterfowl refuge projects.

(b) These Principles and Standards are applicable to—

(1) Projects that may be approved by agency administrators;

(2) Projects requiring Congressional authorization; and

(3) Authorized projects not yet under construction for which agencies currently prepare postauthorization planning documents.

(c) The Secretary of a department and head of an independent agency shall retain the discretion to exempt projects not yet authorized for which preauthorization planning is now complete or will be complete by the end of fiscal year 1981 and those authorized projects requiring post-authorization planning if such planning is now complete or will be complete by the end of fiscal year 1981.

(d) Authorized projects exempted from complying with the Principles and Standards of September 10, 1973 are exempt from complying with these Principles and Standards.

(e) These Principles and Standards shall take effect 30 days from the date of their publication in the **Federal Register.**

Subpart B—General Planning Considerations

§ 711.11 General setting—projections.

(a) Formulation and evaluation of alternative plans are to be based on the most likely conditions expected to exist in the future with and without the plan. The projection of with- and without-plan conditions is to be based on national and regional projections of income, employment, output, population, and land use trends, the amounts of goods and services likely to be demanded, and expected environmental conditions. The without-plan condition is the condition expected to prevail in the absence of any alternative plan in the study and is the same as the alterntive of taking no action.

(b) National projections used in planning are to be based on a reasonably full employment economy. This does not preclude consideration of special analyses of regions with high rates of unemployment and underemployment in calculating benefits from using unemployed and underemployed labor resources.

(c) National and State environmental and social standards and thresholds relating to such categories as water quality, air quality, or minimum health are to be considered.

(d) Other approved plans that have been adopted for the planning area and other current planning efforts are to be considered.

(e) Projections are to be made for selected years over the period of analysis to indicate how changes in economic conditions and environmental resources are likely to have an impact on problems and opportunities.

(f) Environmental projections are to be identified in terms of specific indicators of the quantity and quality of natural and cultural resources.

§ 711.12 Scoping.

(a) Planning is to include an early and open process termed "scoping" to identify both the likely significant issues and the range of issues to be addressed. As soon as practicable after a decision to begin planning, the agency is to undertake scoping. This effort should include affected Federal, State and local agencies and other interested groups or persons. Scoping is to be used as appropriate throughout planning to ensure that all significant decisionmaking factors are addressed.

(b) As part of the scoping process the agency should:

(1) Determine the extent to which the likely significant issues are to be analyzed.

(2) Identify and eliminate from detailed study any issues that are not significant or that have been adequately covered by prior study.

(3) Identify any current or future planning that is related to but not part of the study under consideration.

(4) Identify other review and consultation requirements so that cooperating agencies, if any, may prepare other required analyses and studies concurrently and integrated with the study under consideration.

(5) Indicate the tentative planning and decisionmaking schedule.

(6) Hold an early scoping meeting or meetings. The scoping meetings may be integrated with other early planning meetings if the impacts of a particular action are confined to specific sites.

(7) Repeat the above steps if there is a substantial change in the planning emphasis or if new circumstances or information make it necessary.

(c) Scoping may be used to combine or narrow the number of problems, opportunities, measures, plans, effects, etc., so that meaningful and efficient analysis and choice among alternative plans can occur.

§ 711.13 Public participation.

(a) Interested and affected agencies, groups, and individuals are to be provided opportunities to participate throughout the planning process. The responsible Federal planning agency is to contact: other Federal agencies; the governors or State agencies responsible for water planning; appropriate regional, State, and local agencies; national, regional, and local groups; and individuals to solicit their participation. A joint public participation program should be established with willing agencies and groups.

(b) Public participation may be accomplished by—

(1) Soliciting public opinion early in the planning process;

(2) Encouraging periodic oral expressions of public views and recording and considering them;

(3) Holding public meetings early in the planning process to advise the public of the nature and scope of the study, to open lines of communication, to listen to the needs and views of the public, and to identify interested individuals and agencies;

(4) Holding additional public meetings as appropriate throughout the planning process; and

(5) Making pertinent plans, reports, data analyses, interpretations, and other information available for public inspection.

(c) Efforts to secure public participation should be pursued through public hearings, public meetings, workshops, information programs, citizen committees, and other appropriate means.

§ 711.14 Period of analysis.

The period of analysis is to be the same for all effects being evaluated. The period of analysis is to be the lesser of—

(a) The period of time over which the plan would serve a useful purpose; or

(b) A period not to exceed 100 years.

§ 711.15 Risk and uncertainty—sensitivity analysis.

(a) Situations of risk are defined as those in which the potential outcomes can be described in reasonably well known probability distributions. Some types of risks, such as the probability of particular flood damages, are to be incorporated in the planning and evaluation procedures. In situations of uncertainty, potential outcomes cannot be described in objectively known probability distributions.

(b) Risk and uncertainty arise from measurement errors and from the underlying variability of complex natural, social, and economic situations. Methods of dealing with risk and uncertainty include:

(1) Collection of more detailed data to reduce measurement error.

(2) Use of more refined analytic techniques.

(3) Increasing safety factors in design.

(4) Selection of measures with better known performance characteristics.

(5) Reducing the irreversible or irretrievable commitments of resources.

Reducing risk and uncertainty may involve increased costs or loss of benefits. The advantages and costs of reducing risk and uncertainty are to be considered in the planning process.

(c) Plans should be examined to determine the uncertainty inherent in the data or various assumptions of future economic, demographic, environmental, and technological trends. Reasonably probably projections that would, if realized, appreciably affect plan design should be analyzed.

(d) The planner's primary role in dealing with risk and uncertainty is to identify the areas of sensitivity and describe them clearly so that decisions can be based on the best available information.

§ 711.16 Discount rate.

The discount rate to be used for the formulation and economic evaluation of plans for water and related land resources will be published by the Water Resources Council at the beginning of each fiscal year. The rate will be determined in accordance with § 704.39 of this chapter.

§ 711.17 Relative prices and general price levels.

(a) Relative price relationships for outputs and inputs prevailing during or immediately preceding the period of planning are generally to be used to represent the price relationships expected over the period of analysis, unless specific considerations indicate that other assumptions should be made. Exceptions to the general rule will occur if real exchange values are expected to change over the period of analysis.

(b) The general level of prices for outputs and inputs prevailing during or immediately preceding the period of planning are to be used to represent the prices expected over the period of analysis, except to the extent that the real value of specific outputs or inputs is expected to change.

(c) It is recognized that the relationships between monetized and non-monetized values may change over the period of analysis. Any assumption of change is to be documented.

§ 711.18 Review and consultation.

Review and consultation with interested and affected agencies, groups, and individuals are required in the planning process. Reviews are to be consistent with the requirements of the NEPA process (40 CFR Parts 1500–1508). The NEPA process and the planning process described in these Principles and Standards are complementary.

§ 711.19 Interdisciplinary planning.

Planning is to use an interdisciplinary approach that will ensure the integrated use of the natural and social sciences and the environmental design arts. The disciplines of the planners are to be appropriate to the scope and issues identified in the scoping process (See § 711.13).

§ 711.20 Ground water.

(a) Planning studies are to give appropriate consideration to any ground water problems in the study area and the effects of the alternative plans on ground water resources.

(b) Within the framework of the planning process, the responsible planning agency is to determine—

(1) Whether any ground water problems exist in the study area under present or projected conditions;

(2) Whether and to what extent the alternative plans will cause or contribute to ground water problems; and

(3) What actions would avoid or minimize ground water problems.

Such considerations are to be in accordance with NED and EQ objectives, and the effects of alternative plans on ground water are to be recorded in the appropriate account (See Subpart F).

§ 711.21 Instream flow.

Within the scope of the planning process, the responsible planning agency is to determine and consider instream flow needs relevant to the planning setting. Effects of modifying instream flow are to be recorded in the appropriate accounts.

§ 711.22 Documentation.

Planning studies are to be documented in a clear, concise manner such that an independent reviewer can fully and clearly understand the basic decisions that were made and the reasons for them.

§ 711.23 Federal-State relationship in planning.

The responsible Federal planning agency is to contact the Governor or the designated State agency for each affected State prior to initiating a study and enter into such agreements as are necessary to carry out a coordinated planning effort.

Subpart C—National Objectives

§ 711.30 General.

(a) Two coequal national objectives provide the basis for formulation of plans for the conservation and use of water and related land resources. These objectives are protection and enhancement of national economic development (NED) and protection and enhancement of environmental quality (EQ).

(b) Water and related land resource plans are to be formulated to improve the quality of life through contributions to the NED and EQ objectives. Plans are to be formulated to alleviate problems and take advantage of opportunities that occur at the national, regional, State, and local levels in ways that contribute to the NED and EQ objectives.

§ 711.31 National economic development.

(a) Contributions to national economic development are identified by increases in the value of the National output of goods and services.

(b) The NED objective for the relevant planning setting is stated in terms of the public's expressed desired to alleviate problems and realize opportunities related to the output of goods and services or to increased economic efficiency.

(c) Each statement of problems or opportunities is to be expressed in terms of a desired output. The statement should identify the problem or opportunity and indicate the desired output. Example statements are:

(1) Reduce flood losses in the Red River floodplain to increase agricultural production;

(2) Increase the agricultural output of the irrigated sector of Tolland County; and

(3) Improve the quality of the recreational experience at Lake Zoar.

§ 711.32 Environmental quality.

(a) Contributions to environmental quality are identified by protection of or improvements in the quantity of natural and cultural resources as measured in common physical units or in the quality of these resources as measured in terms of specific EQ values. The values are:

(1) The ecological value of natural resources that support or provide the food, water, cover, reproduction, space, and other life requirements of plant and animal populations and communities.

(2) The aesthetic value of views, sounds, scents, and other perceptual stimuli of natural and cultural resources that provide diverse and pleasant surroundings.

(3) The historic value of natural resources and cultural places, objects, and lore that have played a special role in influencing the course of human activity or that have religious or cultural significance to a group.

(4) The educational and scientific value of natural and cultural resources that convey an understanding of how and why things occur or have occurred in the past, or that have potential for future educational or scientific use.

(5) The pristine value of natural resources that provide the opportunity to experience or contemplate conditions essentially unaltered by man or substantially recovered from prior human influence.

(b) Desirable levels of ecological, aesthetic, historic, educational/scientific, and pristine values are based on institutional recognition (laws); on judgments by scientific and technical experts; and on the expressed concerns of the public.

(c) The EQ objective for the relevant planning setting is stated in terms of the public's expressed desire to alleviate problems, preserve options, and realize opportunities related to the quantity or quality of natural and cultural resources. Each statement is to be expressed in terms of a desired output.

(1) EQ problems exist when—

(i) The present EQ resource value in a study area is below the desired level and will remain static or continue to decline under current trends; or

(ii) The present EQ resource value is expected to decline in the absence of protective action.

(Example statement: Modify streamflows in the Rocky River to stem the decline in steelhead populations.)

(2) EQ opportunities exist whenever an action might be taken to enhance a condition that may or may not be considered a problem.

(Example statement: Improve the 18,000-acre wetland in Beautiful Valley to provide additional food and cover for waterfowl use.)

Subpart D—Inventory

§ 711.40 Resource conditions.

(a) An inventory is to be made to determine the quantity and characteristics of water and related land resources of the study area and to identify opportunities for further use or preservation of those resources. The inventory is to include data appropriate to the identified problems and opportunities and the potential for formulating and evaluating alternative plans. The inventory does not necessarily include an exhaustive listing of resources of the area.

(b) The inventory is to identify both present and projected future resource conditions without any of the alternative plans. This without-plans condition serves as the base for evaluating the effects of each of the alternative plans.

§ 711.41 Problems and opportunities.

(a) The inventory phase should also include an analysis of the identified problems and opportunities and their implications on the planning setting. This analysis should be used to redefine the specific problems and opportunities associated with the NED and EQ objectives.

(b) Based on this analysis, an appraisal is to be made of the potential for alleviating the problems and realizing the opportunities. This provides guidance as to the possible scope and magnitude of actions to meet the demands for each problem or opportunity. This appraisal should identify possibilities for management, development, preservation, and other opportunities for action. Resource inventories may suggest additional problems or opportunities. These possibilities will indicate the resource capabilities relative to specific commodities, services, or environmental amenities desired by the public. By proper selection of these development or management possibilities, alternatives may be formulated for each problem or opportunity associated with NED and EQ objectives.

§ 711.42 Constraints.

Constraints to the attainment of the desired levels of national output of goods and services or environmental amenities for the planned period are to be identified. Constraints may include resource limitations, competitive use of the resources, legislation that prohibits desired use or development, or other limitations.

Subpart E—Alternative Plans

§ 711.50 General.

(a) This subpart defines the alternative plans to be formulated in the planning process.

(b) An alternative plan consists of structural and/or nonstructural measures, strategies, or programs formulated to alleviate specific problems or take advantage of specific opportunities associated with water and related land resources in the study area.

(c) A range of possible alternative plans implementable by various levels of government and by nongovernment interests is to be systematically formulated in terms of the contributions of each plan to the national economic development and environmental quality objectives. Each plan is to represent an alternative for reallocating or preserving water and related land resources to alleviate the identified problems or realize the opportunities.

(d) Alternative plans are not to be limited to those the Federal planning agency could implement directly under current authorities. Plans that may be implemented under the authorities of other Federal agencies, State and local entities, and nongovernment interests are also to be considered. Therefore, the cooperative role of local, State, regional, Federal organizations, and nongovernment interests in implementing alternatives will be stressed.

(e) Measures included in alternative plans are to be in compliance with existing statutes, administrative regulations, and established common law. However, the planning effort, including the further development of alternatives, may include an evaluation of the possibility and the effect of changing such statutes, regulations, or common law.

(f) Water conservation is to be fully integrated into plan formulation as a means of achieving NED and EQ objectives. Water conservation consists of actions that will—

(1) Reduce the demand for water;

(2) Improve efficiency in use and reduce losses and waste; and/or

(3) Improve land management practices to conserve water.

A clear contrast is drawn between the above conservation elements and storage facilities. A range of measures that can, over time, balance water demanded for various purposes with water availability is to be considered.

(g) Alternative plans are to include appropriate mitigation measures as determined by the responsible Federal planning agency. Mitigation measures are to be implemented concurrently with and in proportion to the installation of other plan measures. Fish and wildlife habitat mitigation measures are to be planned in coordination with Federal and State fish and wildlife agencies as required by the rules implementing the Fish and Wildlife Coordination Act of 1958 (16 U.-S.C. 661–664).

(h) Plans, or increments thereto, are not to be recommended for Federal development that would physically or economically preclude non-Federal plans which would likely be undertaken in the absence of the Federal plan and which would more effectively contribute to the NED and EQ objectives when comparably evaluated according to these Principles and Standards. Taxes foregone on the proposed Federal Plan and taxes paid on the non-Federal alternative are to be excluded in such comparisons.

711.51 Required alternative plans.

Alternative plans are to include: a national economic development plan, an environmental quality plan, and a primarily nonstructural plan. These particular plans are required to ensure that consideration is given to the widest practical range of alternative plans. The concept of a practical alternative plan means that the NED or EQ plan may include elements which address the other objective.

(a) *National economic development plan.* A plan that maximizes net contributions to the NED objective is to be included as one alternative. This plan is to be systematically formulated to alleviate the specific problems and take advantage of the specific opportunities that define the NED objective for the relevant planning area. If no such plan can be formulated, the no action alternative is the NED plan.

(b) *Environmental quality plan.* (1) A plan that maximizes net contributions to the EQ objective is to be included as one alternative. This plan is to be systematically formulated to alleviate the specific problems, take advantage of the specific opportunities, and preserve the specific attributes that define the EQ objective for the relevant planning area. If no such plan can be formulated, the no action alternative is the EQ plan.

(2) In formulating alternatives to maximize net contributions to the EQ objective, consideration is to be given to measures that explicitly preclude any significant forms of physical construction or development. Positive actions, such as zoning changes or public land acquisition, may be necessary to assure realization of the "no development" concepts.

(c) *Primarily nonstructural plan.* (1) A "primarily nonstructural" plan is to be formulated and included as a candidate plan (see § 711.90) whenever structural project or program alternatives are considered.

(2) A primarily nonstructural plan is the plan that makes maximum feasible use of nonstructural measures to address water resources problems and opportunities. The determination of maximum feasible use will be based on the maximum use of nonstructural measures that contribute to the NED and EQ objectives.

(3) Nonstructural measures are complete or partial alternatives to the traditional structural measures for addressing water resources problems and opportunities. The ideal nonstructural alternative is the least cost, implementable modification in public policy, management practice, regulatory policy, or pricing policy that would bring marginal benefits and marginal costs for each project output into equality. The NED and EQ objectives are to serve as the basis for the measurement of costs and benefits.

(4) A nonstructural measure or measures may in some cases offer a complete alternative to a traditional structural measure or measures. In other cases, nonstructural measures may be combined with fewer or smaller traditional structural measures to produce a complete alternative. It may at times be necessary to combine structural and nonstructural measures to formulate alternative plans for attainment of the planning objectives.

(5) The assessment of nonstructural measures should be considered for all water resources planning purposes, including water supply, flood control, power, transportation, recreation, fish and wildlife, and other purposes.

§ 711.52 Other alternative plans.

Other alternative plans that make varying contributions to the NED and EQ objective and contributions to various mixes of these objectives should be formulated so as to adequately explore the range of alternative plans for addressing the NED and EQ objectives. The number and variety of alternative plans will be governed by—

(a) The problems and opportunities associated with the water and related land resources in the study area;

(b) The overall resource capabilities of the study area;

(c) The available alternative measures; and

(d) Preferences and conflicts among different segments of the public regarding the trade-off between NED and EQ objectives.

Subpart F—Accounts

§ 711.60 General.

(a) This subpart defines the accounts to be used in organizing information on the effects of alternative plans.

(b) Four accounts are to be used in organizing the information on effects of candidate plans (see § 711.90). these four accounts are: national economic development (NED), environmental quality (EQ), regional economic development (RED), and other social effects (OSE). These four accounts encompass all significant effects of a plan on the human environment as required by NEPA and on social well-being as required by Section 122 of the Flood Control Act of 1970 (Pub. L. 91–611, 84 Stat. 1823).

(c) Relationships between short-term use of the environment and long-term maintenance and enhancement of productivity are to be identified in the appropriate account or accounts. Any irreversible or irretrievable commitments of resources are also to be identified in the appropriate account or accounts.

(d) Effects of an alternative plan in each account are the differences between the projected conditions "with the plan" and projected conditions "without the plan."

(e) Values in the NED account are to be expressed in monetary units. Values in the EQ account are to be expressed in appropriate quantitative units or qualitative terms. Values in the RED account are to be expressed in a combination of monetary and other quantitative units. Values in the OSE account are to be expressed in monetary units, other quantitative units, or qualitative terms.

(f) Monetary values in the accounts are measured in annual sums and converted to average annual equivalents by appropriate discounting techniques.

(g) Each account is to provide a statement of the effects of a plan from a particular point of view. Accounts are to be viewed independently, and are not to be aggregated. A plan may produce monetary benefits in the NED account, the same or greater monetary benefits in the RED account, net increases in several resource values in the EQ account, and several effects in the OSE account. However, within a given account, a monetary benefit or cost, change in resource value, or effect can be claimed only once. Claiming the same benefit, cost, change in resource

value, or effect more than once in a given account would constitute double counting, which is not permitted.

§ 711.61 National economic development account.

(a) *General.* (1) Beneficial effects in the NED account are increases in the economic value of the national output of goods and services. These beneficial effects include: the value of goods and services from a plan; the value of output resulting from external economies caused by a plan; and the value associated with the use of otherwise unemployed or underemployed labor.

(2) Adverse effects in the NED account are the opportunity costs of resources used in the production of structural and nonstructural measures in a plan.

(3) The procedures for evaluating NED effects are found in Part 713 of this chapter.

(b) *Goods and services.* (1) *General measurement standard.* The general measurement standard for the value of goods and services is defined as the willingness of users to pay for each increment of output from a plan. Such a value would be obtained if the "seller" of the output were able to apply a variable unit price and charge each user an individual price to capture the full value of the output to the user. Since, in most instances, it is not possible for the planner to measure the actual demand situation, four alternative techniques can be used to obtain an estimate of the total value of the output of the plan: willingness to pay based upon market price or simulated market price; change in net income; cost of the most likely alternative; and administratively established values.

(i) *Market price or simulated market price.* If the additional output from a plan is too small to have a significant effect on price, actual or simulated market prices will closely approximate the total value of the output and may be used to estimate willingness to pay. If the additional output is expected to have a significant influence on market price, and if the effects cannot be estimated more precisely, a price midway between the price expected with and without the plan may be used to estimate the total value.

(ii) *Change in net income.* The value of increased output of intermediate goods and services is measured by their total value as inputs to producers of final consumer products. The total value of intermediate goods or services to producers is properly measured as the increase in net income received by producers with a plan compared to net income received without a plan. Net income is defined as the market value of producers' outputs less the market value of producers' inputs exclusive of the cost of the intermediate goods or services resulting from a plan.

(iii) *Cost of the most likely alternative.* The cost of the most likely non-Federal alternative may be used to estimate NED benefits for a particular output if non-Federal interests are likely to provide a similar output in the absence of any of the alternative plans under consideration and if NED benefits cannot be estimated from market price or change in net income. This assumes, of course, that society would in fact undertake the alternative means. Because the planner may not be able to determine whether alternative means would be undertaken in the absence of the project, this procedure for benefit estimation is to be used cautiously in determining the most likely alternative, the planner is to give adequate consideration to nonstructural and conservation measures as well as structural measures.

(iv) *Administratively established values.* Administratively established values are values for specific goods and services explicitly set and published by WRC. An example of administratively established values is the range of unit day values for recreation. A value within this range of set values, in certain situations, may be selected in the absence of a specific estimate of willingness to pay.

(2) *Categories.* Goods and services in the NED account are limited to the following categories:

(i) Municipal and industrial (M & I) water supply.

(ii) Agricultural floodwater, erosion, and sedimentation.

(iii) Agricultural drainage.

(iv) Agricultural irrigation.

(v) Urban flood damage.

(vi) Power (hydropower).

(vii) Transportation (inland navigation).

(viii) Transportation (deep draft navigation).

(ix) Recreation.

(x) Commercial fishing.

(xi) Categories of benefits based on procedures approved by the Water Resources Council.

(xii) Other categories of benefits for which procedures are documented in the planning report and which are in accordance with the general measurement standards in paragraph (b)(1) of this section.

(3) *Specific measurement standards.* (i) *Municipal and industrial water supply.* Where water is priced at its marginal cost, that price is to be used to calculate willingness to pay for additional water supply. In the absence of such direct measures of willingness to pay, the benefits from a water supply plan are to be measured instead by the resource cost of the alternative most likely to be implemented in the absence of that plan. For smaller communities (population of 10,000 or less) that are not able to afford an alternative water supply comparable to the Federal water supply plan, the benefit is to be equal to the cost of the separable M&I facilities plus an appropriate share of the remaining joint cost of the project.

(ii) *Agricultural floodwater, erosion, and sedimentation.* Willingness of the users to pay is the basis for approximating the value of output from these activities, whether it be in the form of increased production of intermediate or final goods or release of resources. Productivity increases are determined by measuring the difference in net income accruing to the enterprise on the specified land resource without the plan compared with what that enterprise would receive as net income with the plan on the same land resource. Changes in land use benefits are determined by measuring the difference in net income from the enterprise at an alternative location that would be utilized without the plan compared with the net income from the enterprise at a new location which is improved or enhanced as a result of the plan or by measuring the net income change for the enterprise precluded from using the given land resources with the plan as compared with the without plan situation, plus the net income change for the enterprise that would be allowed to use the given land resource with the plan as compared to the without plan situation. Where it is not possible to directly employ net income changes to derive benefits, the estimate of actual or prospective damages to the physical properties of the enterprises involved can be employed as an approximation of net income change.

(iii) *Agricultural drainage.* The benefit is measured as the increased value of agricultural output to the nation or the reduced cost of maintaining a given level of output. See Section 711.61(b) (3) (ii).

(iv) *Agricultural irrigation.* The benefits are computed as the increased net income that would result from reduced production cost, or intensification benefits through production of current crops and increased acreages of rice, cotton, pasture, corn, oats, soybeans, wheat, milo, barley, or hay. The intensification benefits are computed as the difference in net income with compared to without

the plan. Increased acreages of other crops are evaluated as the efficiency gained in the project area as compared to typical lands in the WRC assessment subarea (ASA).

(v) *Urban flood damage.* Benefits accrue primarily through the reduction in actual or potential damages associated with land use. If floodplain use is the same with and without the plan, the benefit (inundation reduction benefit) is the increased net income generated by that use. If an activity is removed from the floodplain, this benefit is realized only to the extent that removal of the activity increased the net income of other activities in the economy. If the type of floodplain use is unchanged but the method of operation is modified because of the plan, the benefit (intensification benefit) is the increased net income generated by the floodplain activity. If an activity is added to the floodplain because of a plan, the benefit (location benefit) is the difference between aggregate net incomes (including economic rent) in the economically affected area with and without the plan.

(vi) *Power (hydropower).* Where energy from electric power plants is priced at its marginal cost, this price is to be used to calculate willingness to pay. In the absence of such direct measures of marginal willingness to pay, the benefit from energy produced by hydroelectric powerplants will be measured instead by the resource cost of the most likely alternative to be implemented in the absence of the hydroelectric powerplant.

(vii) *Transportation (inland navigation).* The basic enconomic benefit of a navigation plan is the reduction in the value of resources required to transport commodities. Navigation benefits can be categorized as cost reduction benefits (same origin-destination; same mode), shift of mode benefits (same origin-destination; different mode), shift of origin-destination benefits, and new movement benefits. A cost reduction benefit is the reduction in economic cost of using the waterway. A shift of mode benefit is the savings in resources from not having to use a more costly mode. A shift or origin benefit is the difference in total costs of getting the commodity to its place of use with and without the plan. A shift of destination benefit is the difference in net revenue to the producer with and without the plan. A new movement benefit is the value of the delivered commodity less the transportation and production costs with the plan.

(viii) *Transportation (deep draft navigation).* The economic benefits for deep draft navigation are the gains in national economic efficiency and the increase in the value of output of goods and services. The benefit categories are cost reduction benefits; same commodity; origin-designation, harbor; same commodity, origin-designation, different harbor; shift in commodity, origin-designation; induced commodity; prevention and reduction of damage; advance replacement and operation and maintenance savings; and dredged material utilization. Benefits accrue from reductions in economic costs, savings in resources, increased outputs and land enhancement.

(ix) *Recreation.* For the most part, water oriented recreation is produced publicly and distributed in the absence of a viable market mechanism. For this reason, the increase in recreation provided by a plan may be measured on the basis of simulated willingness to pay. The methods which may be used to approximate demand and what people are willing to pay are the travel cost method, the contingent valuation method, and the unit day value method.

(A) With the travel cost method using marginal travel costs as a measure of what people are willing to pay for water oriented recreation and how price affects use, the relationship between price and per capita attendance can be established for recreation sites and market areas. This relationship, the conventional demand curve having a negative slope, sums up the response of user's demand to alternative prices of the recreational product (or experience). The area under this demand curve to the left of the capacity constraint plus any user fees measures total willingness to pay for recreational opportunities at the site.

(B) With the contingent valuation method, annual willingness to pay can be obtained directly from potential visitors by a survey which establishes a simulated market. Users are allowed to bid on the annual use of the site until the maximum willingness to pay is established. This method may be applied where lack of data, insufficient variability in travel costs, or unique characteristics of the site make use of the travel cost method inappropriate.

(C) Where use of demand estimating techniques such as travel cost or contingent valuation methods is not cost effective because of the small size of the project, a single value (unit day value method) per recreation day may be chosen from a range of values. These ranges will reflect availability of general or specialized recreation opportunities, location of the site relative to alternative opportunities, and characteristics of the user population.

(x) *Commerical fishing.* The benefits, which include consumer surplus to commercial fishing, can be measured as the resulting change in the value of output minus those costs related to their production. When a plan affects the market supply of fish such that the change in output is small relative to current output and therefore will not affect market price, the value of extra output can be measured by the change in revenue less associated cost of harvesters. If the additional output generated by the change in supply is expected to affect output prices, the gross value of extra output can be estimated using a price midway between that expected with and without the plan. This gross value measure minus the increase in costs to primary harvesters provides an estimate of the value of the increase in production including consumer surplus.

(c) *External economies.* (1) The external economies to be included in the NED benefit evaluation are the uncompensated, incidental, and unintended effects of a project that increase economic efficiency by increasing the output of intermediate or final consumer goods over and above the direct outputs accounted for in the plan or project. In this sense, the pertinent external economies are "external" to the plan or project. Pertinent external economies involve a technical or physical relationship. For example, a project planned only for flood control and hydropower purposes might reduce downstream water treatment cost; this reduction in costs would be shown as an external economy in the NED account.

(2) The external economies to be included in the NED account do not include decreases in the price of products or services resulting from the plan or changes in the prices of related goods and services.

(d) *Use of otherwise unemployed or underemployed labor resources.* (1) If otherwise unemployed or underemployed labor resources are used in implementing a plan the social cost of implementation is less than the financial cost. The opportunity cost of employing otherwise unemployed workers is conceptually equal to the value of leisure time foregone by such workers but may be assigned a zero value since there is no generally accepted procedure for measuring the value of leisure time. The opportunity cost of employing otherwise underemployed workers is equal to earnings under without plan conditions.

(2) Conceptually, the effects of the use of unemployed or underemployed labor resources should be treated as an

adjustment to the adverse effects of a plan on national economic development. Since this approach leads to difficulties in cost allocation and cost sharing calculations, the effects from the use of such resources are to be treated as an addition to the benefits resulting from a plan.

(3) Beneficial effects from the use of unemployed or underemployed labor resources are limited to labor employed onsite in the construction or installation of a plan. This limitation reflects identification and measurement problems and the general requirement that national projections are to be based on a reasonably full employment economy.

(4) WRC is to develop a list of planning regions with substantial and persistent unemployment based on criteria approved by WRC. The list will be updated periodically and distributed to planning agencies.

(5) Where the planning region has been designated as having substantial and persistent unemployment and it can be shown that these labor resources will in fact be employed or more effectively employed compared to the without-plan condition in construction or installation of the plan, the net additional payments to the unemployed or underemployed labor resources are defined as a benefit.

(e) *Adverse effects—NED.* (1) *Measurement standards.* (i) In evaluating NED costs, resource use is broadly defined to include all aspects of the economic value of the resource. This requires consideration of the direct and indirect, private and public uses that producers and consumers are currently making of available resources or are expected to make of them in the future.

(ii) If market prices reflect the full economic value of a resource to society, they are to be used to determine NED costs. If market prices do not reflect these values, it is intended that associated costs, other direct costs, and external diseconomies will account for the additional values.

(iii) NED costs should be adjusted by an allowance for the salvage value of land, equipment, and facilities that would have value for nonproject uses at the end of the period of analysis.

(2) *Cost categories.* For convenience of measurement and analysis, NED cost are to be classified as project outlays, associated costs, other direct costs, and external diseconomies.

(i) *Project outlays.* The NED costs of project outlays include the costs incurred by the responsible Federal entity and by other Federal or non-Federal entities to construct a project in accordance with sound engineering and environmental principles and to place it in operation. These costs include postauthorization costs for investigation, survey, planning, and design; construction costs; construction contingency costs; administrative services costs; mitigation costs; relocation cost (excluding transfer payments); historical and archaeological salvage cost, land, water, and mineral rights costs; and operation, maintenance and replacement costs.

(ii) *Associated costs.* These are the cost of measures needed over and above project measures to achieve the benefits claimed during the period of analysis. For example, associated costs would include the cost of irrigation water supply laterals and on-farm irrigation systems.

(iii) *Other direct costs.* These are the costs of resources directly required for a project or plan, but for which no financial outlays are made. For example, other direct costs would include displaced public recreational use at a project site.

(iv) *External diseconomies.* These costs are uncompensated, offsite NED losses caused by the installation, operation, maintenance, or replacement of project or plan measures. Examples of external diseconomies include increased downstream flood damages caused by channel modifications, dikes, or the drainage of wetlands, and increased water supply treatment costs caused by irrigation return flows.

§ 711.62 Environmental quality account.

(a) *General.* (1) For convenience of measurement and analysis, beneficial and adverse effects in the EQ account are classified according to the resources affected.

(2) The procedures for evaluating EQ effects are in Part 714 of this chapter.

(b) *Beneficial effects—EQ.* Beneficial effects in the EQ account are improvements in the quantity of natural and cultural resources or in the quality of these resources as measured by ecological, aesthetic, historic, educational/scientific, and pristine values. These values are described in § 711.32. The evaluation of EQ benefits is based on a process that includes scoping, inventory, assessment, and appraisal.

(1) Scoping is performed to limit and define the geographic area, the EQ resources and values, and the time period to be used in the evaluation.

(2) Inventorying is performed to collect and develop data, within the limits defined in scoping, for use in assessing the effects. Inventorying includes forecasting the without-plan and with-plan resource conditions.

(3) Assessment is performed to identify and, where possible, measure the effects of alternative plans on EQ resources. For a given resource the difference between the without-plan condition and the with-plan condition is the effect of the plan on that resource.

(4) Appraisal is performed to evaluate the desirability of effects on EQ resources. Appraisal is based on institutional recognition, public concern, and technical and scientific judgment.

(c) *Adverse effects—EQ.* Adverse effects in the EQ account are unfavorable changes in the quantity of natural and cultural resources or in the quality of these resources as measured by ecological, aesthetic, historic, educational/scientific, and pristine values. These values are described in § 711.32. The evaluation of adverse effects is based on the same process used for evaluating EQ benefits. This process is given in paragraph (b) of this section.

(d) *Net effect on environmental quality.* The net effect on environmental quality is based on an appraisal of the EQ beneficial and adverse effects. This appraisal is to be conducted on each alternative plan to determine if it has net benefits, net adverse effects, or no net EQ effect. This determination is to be made by the appropriate agency decisionmaker on the basis of the summary appraisal of effects. Institutional recognition, public concern, and technical and scientific judgment factors are to be explicitly included in the determination of the net EQ effect. The basis for the determination is to be clearly documented.

§ 711.63 Regional economic development account.

(a) *General.* (1) The RED account registers changes in the distribution of regional economic activity as a result of each alternative plan. Two measures of the effects of the plan on regional economies are used in the account: regional income and regional employment.

(2) The regions used for RED analysis are those regions within which the plan will have particularly significant income and employment effects. Effects of a plan not occurring in the significantly affected regions are to be placed in a "rest of nation" category.

(3) There are major difficulties in estimating some effects in the RED account. RED effects may be excluded if they cannot be estimated in a sound manner or will not have a material bearing on the decisionmaking process.

(b) *Positive effects on regional economic development.* (1) *Regional income.* The positive effects of a plan on

a region's income are equal to the sum of the NED benefits that accrue to that region, plus transfers of income to the region from outside the region.

(i) *Regional incidence of NED benefits.* Because of the definition of region used for the RED account, all or almost all the NED benefits for the plan should accrue to the regions being analyzed. The NED benefits of a plan that accrue to a region are to be organized in the same benefit categories used in the NED account.

(ii) *Transfers.* (A) Income transfers to a region as a result of a plan include income from: project outlays, transfers of basic economic activity, indirect effects, and induced effects. In each case income transfers refer to increases in income within the region rather than to increases in total expenditure. These increases in income are closely associated with value added by economic activity in the region.

(B) Income from project outlays is that portion of project outlays that become income in the regional economy.

(C) Income from transfers result from shifts in basic economic activity to the region from outside the region. These shifts refer to changes in the location of economic activity between the with and without plan conditions.

(D) Income from indirect effects is regional income resulting from expansion in the production of inputs to industries supplying increased final products and regional exports.

(E) Income from induced effects is regional income resulting from changes in consumption expenditures generated by increases in personal income.

(2) *Regional employment.* (i) The positive effects of a plan on regional employment are directly parallel to the positive effects on regional income, so the analysis of regional employment effects is to be organized in the same categories using the same conceptual bases as the analysis of positive regional income effects. Regional employment associated with each of the regional income categories is to be calculated and listed accordingly.

(ii) To the extent practical planning reports are to provide reasonable estimates of the composition of the increased employment by the relevant service, trade, and industrial sectors, including a separate estimate for agriculture. The nature of the employment increase to each sector is to be classified as to the level of skill required—unskilled, semiskilled, and highly skilled.

(c) *Negative effects on regional economic development.* (1) *Regional income.* The negative effects of a plan on a region's income are equal to the sum of the NED costs of the plan that are borne by the region, plus transfers of income from the region to the rest of the nation.

(i) *Regional incidence of NED costs.* The NED costs of a plan that are borne by a region are to be organized in the same categories used in the cost section of the NED account. Information from the cost allocation and cost sharing analysis undertaken as a part of the planning process will be needed to estimate these direct regional expenditures.

(ii) *Transfers.* Income transfers from the region include income losses from plan-induced shifts of industrial activity from the region to the rest of the nation, losses in existing transfer payments, plus any impacts that may affect the region as a result of NED costs or transfers from the region.

(2) *Regional employment.* (i) The negative effects of a plan on regional employment are to be organized and analyzed using the same categories and conceptual bases used for negative regional income effects (Paragraph (c)(1) of this section).

(ii) The categorization of negative regional employment effects is to be the same as for the positive regional employment effects (Paragraph (b)(2) of this section).

(d) *Relationship between RED and NED effects.* To the extent possible, income information in the RED account is to be organized in the same categories as the NED benefits. The relationship between the affected regional economies and the national economy is to be recognized. Since the NED account registers all effects on the national economy, any differences between the regional and national economic effects of a plan must take the form of transfers from the rest of the nation. The effect of these transfers is to be registered in a "rest of nation" listing. The effects in each category of the rest of nation listing are to be equal to the difference between the RED effects and NED effects of a plan. This rest of nation listing is to be displayed in the RED account together with the RED and NED effects.

§ 711.64 Other social effects account.

(a) *General.* (1) The OSE account registers plan effects from perspectives which are not reflected in the other three accounts. The categories of effects in the OSE account may be the following: urban and community impacts (Office of Management and Budget Circular A–116); life, health, and safety factors; energy requirements and conservation.

(2) Effects are to be evaluated in terms of their impacts on the separate regions and communities affected.

(3) Effects that cannot be satisfactorily quantified or described with available methods, data, and information or will not have a material bearing on the decisionmaking process may be excluded from the OSE account.

(b) *Urban and community impacts.* (1) Urban and community impacts are the impacts listed in Office of Management and Budget (OMB) Circular A–116, which implements Executive Order 12074, Urban and Community Impact Analysis (3 CFR 217). While a formal and detailed Urban and Community Impact Analysis, as defined in OMB Circular A–116, is not required for Level C studies, the specified types and locations of significant impacts are to be reported in the OSE account.

(2) The principal types of urban and community impacts are—

(i) Income, especially that of low income households (as defined in the Comprehensive Employment and Training Act (§3, Pub. L. 95–524, 92 Stat. 1909));

(ii) Employment, especially minority employment;

(iii) Population size and composition;

(iv) The fiscal condition of the State and local governments; and

(v) the quality of urban and community life.

(3) Impacts include direct and indirect effects and are to be reported in both absolute and relative terms.

(4) Impacts are to be reported for the following types of places: central cities; suburban communities; nonmetropolitan communities; distressed cities (as defined by HUD, Office of Urban Development Action Grants); communities with higher than average rates of unemployment; communities with per capita income lower than the U.S. average; and other categories of places considered appropriate.

(c) *Life, health, and safety.* Effects in this category include items such as risk of flood, drought, or other disaster affecting the security of life, health, and safety; and risk of dam failure and potential loss of life, property, and essential public services.

(d) *Energy requirements and conservation.* Effects in this category include items such as use of non-renewable energy resources during construction and operation of facilities; and conservation of non-renewable energy resources.

Subpart G—Displays

§ 711.70 General.

(a) Displays are graphs, tables, and summary statements in a format which facilitates the analysis and comparison of alternative plans. Concise, understandable displays are needed during the planning process and to provide documentation in compliance with NEPA.

(b) Displays are to be prepared to facilitate the analysis and comparison of alternative plans necessary to make the following determinations:

(1) The effectiveness of given plans in solving the problems and taking advantage of the opportunities identified in the planning process.

(2) What must be given up in monetary and nonmonetary terms to enjoy the benefts of the various alternative plans.

(3) The differences among alternative plans in terms of their effects on the NED and EQ objectives and their regional economic development and other social effects.

§ 711.71 Content and format.

The content and format of the displays is to be determined by the planning agency subject to the following requirements:

(a) Displays are to report the present and projected future resource conditions without any of the alternative plans and describe the problems and opportunities related to the planning setting.

(b) Displays regarding candidate plans (§ 711.90) are to include:

(1) Measures in each plan;

(2) Effects in the NED, ED, RED, and OSE accounts; and

(3) Differences between the effects of the recommended plan and the effects of each of the other candidate plans. These differences are to be set forth in a consistent manner so that positive and negative differences in effects are readily discernible.

(c) Alternative plans that were considered but did not become candidate plans are to be briefly described. This description is to include the measures, the effects, and the reasons for their not becoming candidate plans.

Subpart H—Cost Allocation

§ 711.80 General.

(a) Cost allocation is the process of apportioning financial costs among purposes served by a plan. The need for cost allocation among purposes stems from pricing and cost-sharing policies that vary among purposes. Cost allocation among purposes and the apportionment of cost shares to Federal and non-Federal public and private interests are steps in the preparation of RED and OSE accounts.

(b) Financial costs are to be allocated to those purposes served by a plan. Purposes include benefit categories other than external economies and use of otherwise unemployed or underemployed labor resources. All purposes are to be treated comparably.

(c) Financial costs may differ from NED costs. Financial costs may include transfer payments, but do not include associated costs, other direct costs, and external diseconomies.

§ 711.81 Basic concepts.

(a) Separable cost for each purpose in a plan is the reduction in cost that would result if that purpose were excluded from the plan. This reduction in cost will include—

(1) The cost of facilities and activities serving only the excluded purpose; and

(2) Reductions in the cost of facilities and activities serving multiple purposes.

(b) Joint cost is the total cost for a plan minus the sum of separable costs for all purposes.

(c) Remaining benefit for each purpose is the amount, if any, by which the NED benefit for that purpose exceeds the separable cost for that purpose.

§ 711.82 Cost allocation procedures.

The cost allocation procedure is determined by the relationship between joint costs and the sum of remaining benefits for all purposes.

(a) If joint cost is smaller than the sum of remaining benefits for all purposes, costs are to be allocated by a procedure commonly known as the "separable costs—remaining benefits" method. This procedure consists of the following steps:

(1) Estimate NED benefit for each purpose.

(2) Estimate separable cost for each purpose.

(3) Determine remaining benefit for each purpose.

(4) Determine joint cost.

(5) Allocate joint cost among purposes in proportion to remaining benefits.

(6) Determine the total allocation to each purpose by summing for each purpose the separable cost and the allocated share of joint cost.

(b) If joint cost is larger than the sum of remaining benefits for all purposes, the allocation of cost to each purpose is to be—

(1) The larger of separable cost for that purpose or NED benefit for that purpose; and

(2) An additional share of cost assigned by the agency decisionmaker.

§ 711.83 Allocation of component cost.

Cost sharing policies for some purposes pertain to cost components, such as land costs, construction costs, and operation and maintenance costs. An allocation of component cost among purposes by the separable costs—remaining benefits method does not alter the total allocation to each purpose. Costs for each cost component specified in the relevant cost sharing policy are to be allocated among purposes.

§ 711.84 Two-step procedure for determining separable cost.

A two-step procedure for determining separable cost may be used in limited cases where a significant part of total cost is incurred for two or more but not all purposes. Cost separable to two (or more) purposes but not separable to individual purposes may be allocated among the two (or more) purposes in proportion to remaining benefits. The sum by purpose of separable cost and allocated joint cost (joint to the two or more but not all purposes) are then treated as separable cost in allocating total cost among all purposes. The agency decisionmaker is to decide if the cost incurred for two or more but not all purposes is significant enough to justify the effort required for the two-step procedure.

§ 711.85 Use of other methods.

The agency decisionmaker is to use judgment to determine whether or not the prescribed method yields unreasonable results. If the agency decisionmaker judges that it does, he or she may grant an exception to the use of the prescribed method. Such a decision and the reasons for it are to be documented. In such cases, an alternative method that makes a more equitable distribution of costs commensurate with benefits will be used.

Subpart I—Plan Selection

§ 711.90 General

The planning process leads to the identification of alternative plans that could be recommended or selected. These plans are referred to as candidate plans. It is from among these plans that a recommended plan is to be selected. The culmination of the planning process is the selection of the recommended plan to be implemented, or the decision to take no action. The selection is to be based upon a comparison of the effects of alternative plans.

§ 711.91 Candidate plans.

The previous formulation steps including application of the four tests (See § 711.104(e)) should effectively identify the alternative plans that are to be considered as candidates for a recommended plan. The candidate plans should be significantly differentiated from each other, primarily in terms of their emphasis on the NED and EQ objectives; that is, each plan should make a unique contribution to one or both objectives not made by others under consideration. The candidate plans include those required alternative plans specified in § 711.51 (i.e., NED, EQ, nonstructural) as well as other appropriate alternative plans (See § 711.52).

§ 711.92 Selection.

(a) The alternative of taking no action, i.e., selecting none of the alternative plans, is to be fully considered.

(b) Selection of the recommended plan is to be made by the agency decisionmaker for Federal projects and by State and local sponsors for Federally-assisted projects.

(c) The basis of selection is to be fully reported, including considerations used in the selection process. An explicit presentation is to compare the recommended plan to the other candidate plans.

§ 711.93 Net benefits rule.

(a) A recommended plan (when considered individually on the basis of the with-plan versus without-plan comparison) must have combined beneficial NED and EQ effects that outweigh combined adverse NED and EQ effects. For example, a plan lacking net NED benefits may be recommended if net EQ benefits are sufficiently large, even though EQ benefits are not stated in monetary terms.

(b) The Secretary of a Department or head of an independent agency may make an exception to the net benefits rule if circumstances warrant such exception. A decision to make an exception is to be documented and the reasons given.

Subpart J—Planning Process

§ 711.100 Introduction.

The planning process consists of a series of steps that identify or respond to problems and opportunities and culminates in a recommended or selected plan. The process involves an orderly and systematic approach to making determinations and decisions at each step so that the interested public and decisionmakers in the planning organization can be fully aware of the basic assumptions employed, the data and information analyzed, the reasons and rationales used, and the full range of implications of each alternative plan.

§ 711.101 Major steps.

(a) The planning process consists of the following major steps:

(1) Specify the water and related land resources problems and opportunities (relevant to the planning setting) associated with the NED and EQ objectives;

(2) Inventory and analyze water and related land resource conditions within the planning area;

(3) Formulate alternative plans;

(4) Evaluate the effects of the alternative plans;

(5) Compare alternative plans; and

(6) Select a recommended plan based upon the comparison of alternative plans.

(b) Plan formulation is a dynamic process whose various steps should, at a minimum, be reiterated one or more times. This reiteration process, which may occur at any step, may sharpen the planning focus or change its emphasis as new data are obtained or as the specification of problems or opportunities changes or becomes more clearly defined.

§ 711.102 Specification of the problems and opportunities associated with the NED and EQ objectives.

(a) The desire to alleviate problems, realize opportunities, and protect environmental characteristics is to be specified for the planning area in terms of the NED and EQ national objectives (See Subpart C).

(b) The problems and opportunities are to be defined so that meaningful levels of achievement are identified. This will facilitate the formulation of alternative plans in cases where there may be resource, technical, legislative, or administrative constraints to the total alleviation of a problem or realization of an opportunity.

(c) The problems and opportunities are to be stated for both current and future conditions. Desired conditions for the future should be explicitly stated.

(d) The problems and opportunities are to reflect the specific effects that are desired by groups and individuals as well as the problems and opportunities declared to be in the national interest by the Congress or by the Executive Branch. This identification and detailing of problems and opportunities is the process of making explicit the range of preferences and desires of those affected by resource development. It should be understood that the initial expressions of problems and opportunities may be modified during the planning process.

§ 711.103 Inventory water and related land resource conditions within the planning area.

The opportunity to alleviate problems and realize opportunities is determined in the inventory phase. The inventory of resource conditions is to be related to the problems and opportunities previously identified. (See Subpart D.)

§ 711.104 Formulation of alternative plans.

(a) *General.* The alternative plans to be formulated are identified in Subpart E.

(b) *Steps in formulation.* Alternative plans are to be formulated in a systematic manner. The following steps are provided for guidance but may be adjusted for the particular planning setting.

(1) Array problems or opportunities that are essentially complementary, that is, the satisfaction of one of the problems or opportunities does not preclude satisfaction of other problems or opportunities.

(2) Identify relevant alternative measures for alleviating problems or realizing opportunities. An analysis should be made for each alternative measure, including an identification of the beneficial and adverse consequence to other problems and opportunities. The assembly of information on alternative measures will provide a basis for selecting the most effective measure, or combination of measures for satisfying problems and opportunities and for identifying the problems and opportunities that are not satisfied.

(3) Group the measures that are essentially in harmony to satisfy the problems and opportunities. Each set of measures represents the nucleus for an alternative plan.

(4) Formulate the required alternative plans (See § 711.51) and other alternative plans (See § 711.52).

(c) *Implementation schedule.* Formulation should consider the likely schedules of implementation to identify the schedule that would result in the most desirable mix of contributions to the national objectives. Alternative plans should be scheduled for implementation so that desired beneficial effects are achieved efficiently and effectively.

(d) *Increments.* A major increment of an alternative plan is to be included only if the beneficial effects of the proposed increment are judged to outweigh its adverse effects.

(e) *Plan tests.* Alternative plans should be analyzed to determine how well each plan meets the tests of

completeness, effectiveness, efficiency, and acceptability. The results of the tests should be considered by the agency decisionmaker in selecting the recommended plan.

(1) The completeness test determines the extent to which a given alternative plan provides and accounts for all necessary investments or other actions to assure the planned effects. This may require relating the plan to other types of public or private plans if the other plans are crucial to the realization of the contributions to the objectives. Beneficial and adverse effects must be treated comparably when relating water and land resources plans to other plans.

(2) The effectiveness test determines the extent to which a plan alleviates the specified problems and achieves the specified opportunities.

(3) The efficiency test determines whether, among all acceptable alternative measures, (Federal and non-Federal, water and nonwater, structural or nonstructural), the given alternative plan includes the least cost means of alleviating specified problems and realizing specified opportunities associated with the NED and EQ objectives.

(4) The acceptability test is a determination of the workability and viability of the alternative plan in the sense of acceptance by the public and its compatibility with existing laws, regulations, and public policies.

§ 711.105 Evaluation of effects.

(a) *General.* The evaluation of the effects of each alternative plan consists of an assessment and appraisal.

(b) *Assessment.* Assessment is the process of measuring or estimating the effects of an alternative plan. Assessment determines the difference between without-plan and with-plan conditions for each of the categories of effects identified in Subpart F—Accounts.

(c) *Appraisal.* (1) Appraisal is the process of placing social values on the technical information gathered as part of the assessment process.

(2) Since technical data concerning benefits and costs in the NED account are expressed in dollar terms, the NED account already contains a weighting of effects; therefore, appraisal is applicable only to the EQ, RED, and OSE accounts.

(d) *Displays.* The information from evaluation is to be displayed according to the directions provided in Subpart G—Displays.

§ 711.106 Comparison of alternative plans.

(a) The comparision of plans focuses on the differences between the alternative plans as determined from the evaluation phase (See § 711.105).

(b) The differences are to be organized on the basis of the effects in the four accounts. Each plan is compared with other plans.

(c) The comparison of plans usually results in the designation of some of the alternative plans as candidate plans. This designation may be changed based on a refinement of data or analyses, reiteration, expressions of public concern, etc. See § 711.108

§ 711.107 Plan selection.

After consideration of the various alternative plans, their impacts, and after the appropriate reiterations, a plan is selected by the agency decisionmaker following the general guidance in Subpart I.

§ 711.108 Reiteration.

(a) The planning process described in these Principles and Standards is an iterative process in which returning to earlier phases is a key to successful implementation. Reiteration will frequently occur upon completion of the comparison of plans. Among the reasons for returning to an earlier phase at this point, or at any point, are the following:

(1) More detail is needed as basis for selection of a recommended plan;

(2) The consideration of alternative plans reveals significant shortfalls in alleviating the problems or realizing the opportunities of one or both of the objectives;

(3) Information obtained on resource capability and alternative plans suggests that the initial specification of problems or opportunities was in error and requires modification;

(4) Public policy changes occurring during the planning study suggest the need for change in emphasis for the NED or EQ objectives; and

(5) The consideration of alternative plans reveals significant adverse effects.

(b) The above reasons are only suggestive of the need for returning to an earlier planning step. As a general guide, the extent and number of reiterations should be based on a judgment of whether or not new information, further detail, or other changes are likely to result in significant changes in the identified problems or opportunities or in the plans considered.

3. By amending Part 713 as follows:

PART 713—PROCEDURES FOR EVALUATION OF NATIONAL ECONOMIC DEVELOPMENT (NED) BENEFITS AND COSTS IN WATER RESOURCES PLANNING (LEVEL C)

a. Section 713.3 is to be amended by redesignating the existing text of paragraph (b) as paragraph (b)(1) and adding a new paragraph (b)(2) to read as follows:

§ 713.3 Agency activities covered by the manual

* * * * *

(b)(1) * * *

(2) The discretionary authority for project purposes covered under Subparts J and L applies to those projects not yet authorized or for which preauthorization planning is now complete or will be complete by the end of FY 1981 and to those authorized projects requiring post-authorization planning if such planning is now complete or will be completed by the end of the FY 1981. This discretionary authority extension for Subparts J and L may not be exercised after July 31, 1982.

* * * * *

b. By adding Subparts J and L to read as follows:

Subpart J—NED Benefit Evaluation Procedures—Transportation (Deep-Draft Navigation)

Sec.

713.801 Introduction.
713.803 Conceptual basis.
713.805 Planning setting.
713.807 Evaluation procedure.
713.809 Problems in application.
713.811 Report and display procedures.

Authority: Sec. 103, Pub. L. 89–80; 79 Stat. 245; 42 U.S.C. 1962 a–2.

Subpart J—NED Benefit Evaluation Procedures: Transportation (Deep-Draft Navigation)

§ 713.801 Introduction.

This chapter presents the procedure to be followed in measuring the beneficial contributions to national economic development (NED) associated with the deep-draft navigation features of water resources plans and projects. Deep-draft navigation features include construction of new harbors and channels and improvements of existing or natural harbors. Harbor improvements include such structural projects as the construction of breakwaters and jetties to protect exposed harbors and the provision of entrance channels, interior channels, turning basins, and anchorage areas. Nonstructural deep-draft plans consist of such measures as improved traffic management and pilotage regulations.

§ 713.803 Conceptual basis.

The benefits from Federal navigation projects and plans are the gains in national economic efficiency and the increase in the value of output for goods

and services. Principal direct navigation benefits are categorized as follows:

(a) *Transportation benefits.* Specific transportation savings may result from the use of larger vessels; more efficient use of existing vessels; reductions in transit time; lower cargo handling and tug assistance costs; and reduced interest and storage costs from an extended navigation season.

(1) *Cost reduction benefits.* Transportation benefits in the waterborne movement of commodities are the savings in resources from not having to use a more costly alternative means of transportation. Cost reduction benefits are categorized as follows:

(i) *Same commodity, origin-destination, and harbor.* These benefits apply to commodities now moving or expected to move via a given harbor with compared to without the proposed improvement. These benefits apply to existing harbors.

(ii) *Same commodity and origin-destination; different harbor.* These benefits apply to commodities that are now moving or expected to move via alternative harbors without the proposed improvement but that would, with the proposed plan, be diverted through the subject harbor with no change in final origin or destination. These benefits apply to both new and existing harbors.

(2) *Benefits from shifts in the origin and destination of commodities.* The improvement of a harbor may provide economic incentives for the development of commodity sources and points of use and result in traffic movements different from those that would prevail in the absence of the proposed plan. Analysis may indicate that users of the harbor would increase their share of a given market at the expense of other suppliers or users. These benefits apply at both new and existing projects.

(3) *Benefits from induced commodities.* If the proposed plan would induce new traffic that would not be expected without the plan because of prohibitive cost or lack of any available transportation, the resulting benefit can be measured as the delivered price of the commodity minus all associated economic costs.

(b) *Benefits from prevention or reduction of damages.* To the extent that the savings are not otherwise claimed, benefits can be claimed for the prevention or reduction of navigation damages to vessels and shore facilities; cleanup costs; and losses in beneficial uses due to collisions, groundings, and wave damages caused by hazardous or inadequate channel conditions.

(c) *Benefits from advance replacement, operation, and maintenance savings.* Benefits may be claimed when a proposed Federal project includes replacement of existing improvements if replacement would extend the period over which existing benefits would be realized. Benefits may also be claimed if the proposed project would reduce the costs of maintenance and operation of existing improvements unless clear evidence is available that maintenance is unjustified. This type of benefit may be claimed for any project purpose and is not unique to navigation.

(d) *Dredged material utilization benefits.* (1) A new harbor or the modification of an existing harbor often produces incidental land enhancement benefits from the use of the dredged material. This benefit is not unique to navigation and may apply to any project utilizing fill material. A land enhancement benefit is calculated on the basis of the change in market value of the land made usable by the fill material (limited to the cost of equivalent fill). This market value should exclude the impact of the proposed navigation improvement to avoid double counting of benefits.

(2) A similar incidental benefit may result if dredged material has a saleable value for various purposes (e.g., coral and sand).

§ 713.805 Planning setting.

The planning setting consists of the physical, economic and policy conditions that influence and are influenced by a proposed plan or project over the planning period. The planning setting is defined in terms of a without-project condition and with-project condition.

(a) *Without-project condition.* The without-project condition is the most likely condition expected to exist over the planning period in the absence of a plan or any significant change in law or public policy. It provides the basis for estimating benefits for alternative with-project conditions. Assumptions specific to the study are to be stated and supported. The basic assumptions for all studies are:

(1) Nonstructural practices within the authority and ability of port agencies, other public agencies, and the transportation industry will be considered to determine changes that are likely to occur. These practices may consist of reasonably implementable changes in management and use of existing vessels and facilities on land and water. Particular attention should be paid to the attitudes of public agencies and private industries towards the impact, economic efficiency, and acceptability of proposed nonstructural practices. Nonstructural alternatives include, but are not limited to, lightering, tug assistance, use of favorable tides, split deliveries, topping off, alternative ports, and trans-shipment facilities.

(2) Alternative harbor and channel improvements available to the transportation industry over the planning period include those in place and under construction at the time of the study and those authorized projects that can reasonably be expected to be in place over the planning period.

(3) All existing laws and charges required by law will be assumed to remain in effect.

(4) Authorized operation and maintenance will be assumed to be performed in the harbors and channels over the period of analysis unless clear evidence is available that maintenance of the project is unjustified.

(5) In projecting commodity movements involving intermodal movements, sufficient capacity of the hinterland transportation and related facilities, including port facilities, will be assumed unless there is substantive data to the contrary.

(6) A reasonable attempt should be made to reflect advancing technology affecting the transportation industry over the period of analysis. However, the benefits from improved technology should not be credited to the navigation improvement.

(b) *With-project condition.* The with-project condition is the one expected to exist over the period of analyses if a project is undertaken. The with-project condition is to be described for each alternative plan. Since benefits attributable to each alternative will generally be equal to the difference in the total transportation costs with and without the project, the assumptions stated for the without-project condition must be used to establish the with-project condition for each alternative. The alternatives will include a primarily nonstructural plan presented in a manner comparable to structural plans.

(1) Specific nonstructural alternatives for deep ports are generally within the discretion of the private shipper or carrier and therefore are part of the without conditions.

(2) Nonstructural alternatives that are sometimes within the discretion of a public entity and are therefore subject to change in the with condition include, but are not limited to, traffic management, pilotage regulations, addition of berths, and additions or modifications to terminal facilities.

(c) *Display.* The derivation and selection of with and without project conditions shall be clearly presented in

planning reports in accordance with the following guidelines:

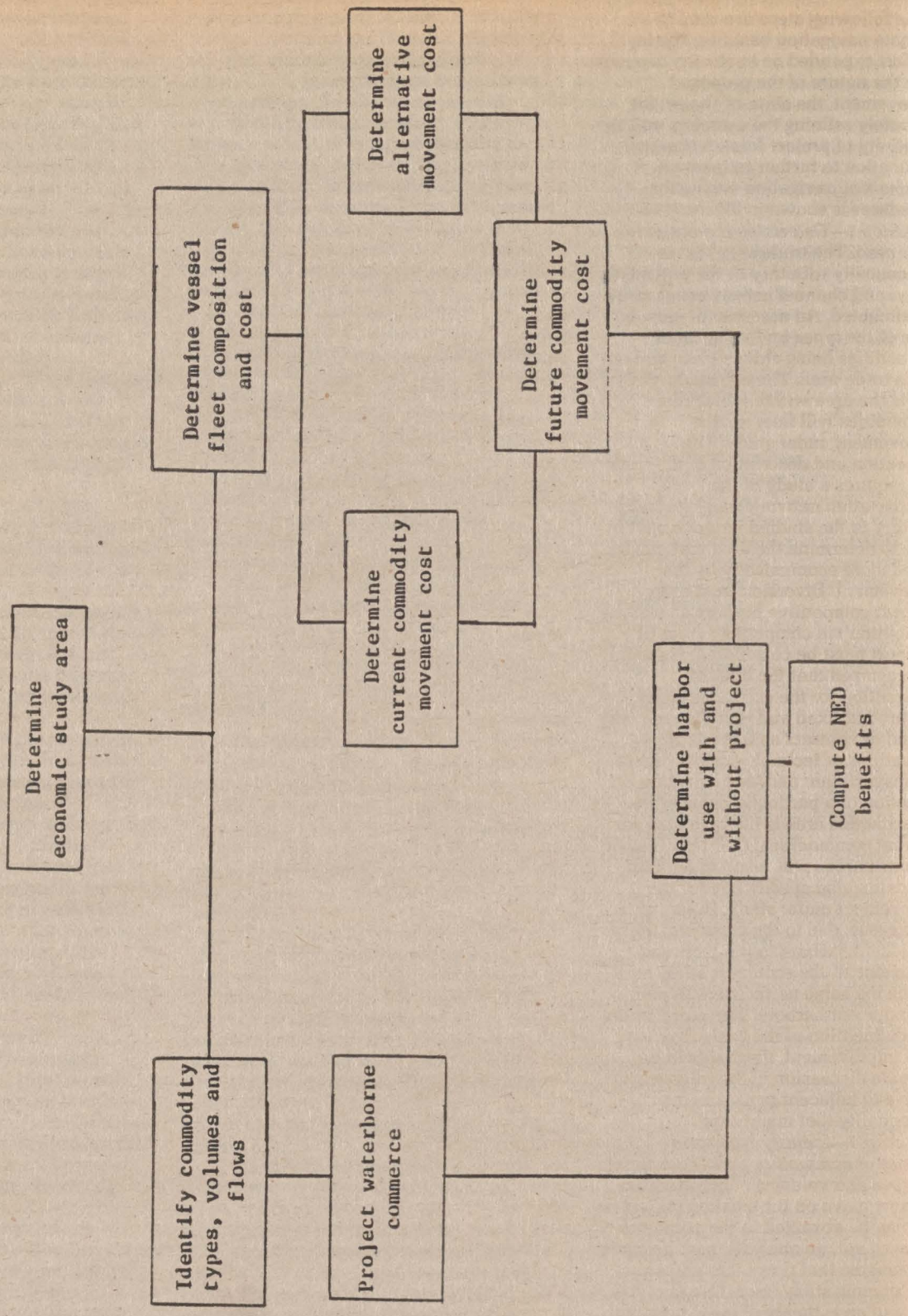
(1) The assumptions specific to the study shall be stated.

(2) The significant technical, economic, environmental, social, and other elements of the planning setting to be projected over the period of analysis will be specified. The rationale for selecting these elements will be clearly discussed.

(3) The with and without project conditions will be presented in appropriate tabular and graphic displays with respect to the elements selected as in paragraph (2) of this section and as exemplified by Tables 1, 4, 5, and 6.

FIGURE 713.807-1

FLOW CHART OF DEEP-DRAFT
NAVIGATION EVALUATION PROCEDURES



§ 713.807 Evaluation procedure.

The following steps are used to estimate navigation benefits. The level of effort expended on each step depends upon the nature of the proposed improvement, the state-of-the-art for accurately refining the estimate, and the sensitivity of project formulation and justification to further refinement. A flowchart of navigation evaluation procedures is shown in Figure 713.807–1.

(a) *Step 1—Determine the economic study area.* The trade area that is economically tributary to the proposed harbor and channel improvement must be delineated. An assessment must be made of the types and volumes of commodities being shipped into and out of this trade area. The economic study area is the area within which these commodities will flow via the improvement under study. The delineation and description of the trade area requires a study of the transportation network geographically tributary to the studied improvement in order to determine the area that can be served more economically by the improvement. Diversion from or to adjacent competitive harbors as well as distribution via competing modes of transport must be considered. It should be recognized that the lines of demarcation for the economic study area are not fixed and that the area may expand or contract as a result of innovations or technological advances in transportation and/or production or utilization of a particular commodity. The economic area is likely to vary for different commodities. Combinations of economic areas will result in a trade area delineated specifically for the improvement under study. However, in many cases, due to the close proximity of adjacent harbors to the proposed improvement, the economic study area may be the same as, or overlap with, such adjacent harbors. Therefore, in the final delineation of the trade area for a given improvement, there should be adequate discussion of the trade area relative to adjacent ports and any commonality that might exist.

(b) *Step 2—Identify types and volumes of commodity flow.* To estimate the types and volumes of commodities that now move on the existing project or that may be attracted to the proposed improvement, an analysis must be made of commerce that flows into and out of the economic study area. This analysis results in an estimate of gross potential cargo tonnage; the estimate is refined by successive steps to give an estimate of prospective commerce that may reasonably be expected to use the harbor during the period of analysis in light of existing and prospective conditions. If benefits from economics of ship size are related to proposed deepening of the harbor, generally only a few commodities or types of shipments will be affected. Thus, an historical summary of types and trends of commodity tonnage should be displayed. The steps and considerations generally involved in estimating current volumes of prospective commerce are:

(1) If the plan consists of further improvement of an existing project, statistics on current waterborne commerce will provide the basis for evaluation. For new harbors where there is no existing traffic, or for existing commodity movements that may be susceptible to diversion from adjacent harbors, basic information is collected by means of personal interviews or questionnaires sent to shippers and receivers throughout the economic study area. Secondary commercial data are usually available through State and local public agencies, port records, and transportation carriers. In the case of new movements, attention shall be given to resource and market analyses.

(2) After determining the types and volumes of commodities currently moving or expected to move in the economic study area, it is necessary to obtain origins, destinations, and vessel itineraries in order to analyze the commodity types and volumes that are expected to benefit from the proposed improvement. Commodities that are now moving without the project but that would shift origins or destinations with the project, as well as induced movements, should be segregated for additional analysis (see steps 5 and 6). A study should be made of various alternatives for the existing traffic and of new traffic susceptible to diversion from alternative harbors or other modes of transportation. The objective of such a study is to determine the type and volume of those commodities for which savings could be affected by movement via a proposed navigation improvement and the likelihood that such movements would occur. Savings must be sufficient to divert traffic from established distribution patterns and trade routes. Particular attention should be given to alternative competitive harbors in the case of new movements and to hinterland traffic in determining the likelihood of prospective commerce. Elements to be considered in subjecting the current tonnage to further analysis include, but are not limited to, the following: size and type of vessel, annual volume of movements, frequency of movements, volume of individual shipments, adequacy of existing harbor and transportation facilities, rail and truck connections, and service considerations. As a general rule, this prospective traffic is the aggregate of a large number of movements (origin-destination pairs) of many commodities; the benefit from the navigation project is the savings on the aggregate of these prospective movements.

(c) *Step 3—Project waterborne commerce.* (1) Projections of the potential use of the harbor under study shall be developed for selected years from the time of the study until the end of the period of analysis. Commodity projections shall be set forth and documented for the commodity groups identified in Step 2. The methods used to make the projections must be defensible and must be coordinated with government entities that have expertise concerning the commodities being considered. It may be necessary to use more than one method, depending on the availability of data. For example, OBERS projection data may be found to be inappropriate, and the method for imports is likely to be different from the method of exports. The analyst shall undertake independent studies to ascertain the most appropriate projection methodologies, basing the final choice on an assessment of the available secondary data. These data will assist in delineating the limits on the rate of increase in waterway traffic and facilitate a better understanding of the problem of projections. Secondary data shall be supplemented with (i) interviews of relevant shippers, carriers, and port officials; (ii) opinions of commodity consultants and experts; and (iii) historical flow patterns. Commodity projections shall be constructed on the basis of the results of the independent studies. The projection methodologies selected should be described in sufficient detail to permit a review of their technical adequacy.

(2) Sensitivity analysis of several levels of projections may be needed for the economic analysis. There may be a high level projection embodying optimistic assumptions and a low level projection based on assumptions of reduced expectations. The high and low projections should bracket the most foreseeable conditions. The third and fourth levels of projections can reflect the with- and without-project conditions based on the most likely estimates of the future. If a proposed plan would not induce commodity growth, one level of projection may be shown for both the with- and without-project conditions.

(3) The commodities included in the projections should be identified, if possible, according to the following

waterborne modes: containerized, liquid bulk, dry bulk, break-bulk, etc. Projection-related variables include estimated value, density, and perishability. The commodities should also be categorized by imports, exports, domestic shipments, domestic receipts, and internal trade. Projected tonnages by trade areas both with and without the project should be displayed at least for the study year, the base year, fifth year, tenth year, and then by decades over the period of analysis.

(4) Most projections of waterborne commerce are static estimates of dynamic events; therefore, the projections should be sufficiently current to support the report conclusions.

(d) *Step 4—Determine vessel fleet composition and cost.* (1) *Vessel fleet composition.* A key component in the study of deep-draft harbor improvements is the size and characteristics of the vessels expected to use the project. Data on past trends in vessel size and fleet composition, and anticipated changes in fleet composition over the project life will be presented. Estimates of future fleet will be consistent with domestic and world fleet trends and based on data provided from various sources including, but not limited to, United States Maritime Administration, Office of the Chief of Engineers, trade journals, trade associations, shipbuilding companies, and vessel operating companies. The completed study of the foreign and/or U.S. fleet will be translated to the particular area under study in order to determine the composition of the current and future fleet that would utilize the subject harbor both with and without the proposed improvement. Adequate lead time must be provided for anticipated changes in fleet composition for vessels that are currently a small part of the world fleet. Size selection may vary according to trade route, type of commodity, volume of traffic, canal restrictions, foreign port depths, and lengths of haul. It may not be realistic or acceptable to assume that the optimum size vessel is always available for charter; the preferred approach is a fleet concept that includes a range of vessels expected to call with and without the project. It is suggested that tabulations in the report show composition of vessel fleets by deadweight tonnage for each type of vessel beginning with the current fleet and by decades through the period of analysis. Historical records of trips and drafts of vessels calling at the existing project should also be displayed.

(2) *Vessel operating costs.* To estimate transportation costs, deep-draft vessel operating costs must be obtained for various types and classes of foreign and United States flag vessels expected to benefit from using the proposed improvement. Since vessel operating costs are not readily available from ocean carriers or from any central source, such costs will be developed and provided by the Office of the Chief of Engineers on an annual basis for use in plan evaluation. Planners may determine to what extent, if any, these vessel costs must be modified to meet the needs of local conditions. Selected vessel operating costs will be clearly displayed in the report so that reviewers may compare the costs used in the report with those costs developed and maintained by the Corps of Engineers.

(e) *Step 5—Determine current cost of commodity movements.* Transportation costs prevailing at the time of the study will be determined for all tonnage identified in Step 2. Transportation costs shall include the full origin-to-destination cost, including handling, transfer, storage, and other accessory charges. Costs will be constructed for the with- and without-project condition. The without-project condition will be based on costs and conditions prevailing at the time of the study. Costs with improvement will reflect any efficiencies that can be reasonably expected, such as use of larger vessels, increased loads, reduction in transit time and delays (tides), etc.

(f) *Step 6—Determine current cost of alternative movement.* Transportation costs prevailing at the time of the study will be determined for all tonnage identified in Step 2 for alternative movements. The cost shall include the full origin-to-destination cost. Such alternatives include, but are not limited to, competitive harbors, lightering, lightening and topping-off operations, off-shore port facilities, trans-shipment terminals, pipelines, traffic mangement, pilotage regulations, and other modes of transportation. Competitive harbors with existing terminal facilities and sufficient capacities shall be considered as possible alternatives for traffic originating in or destined to the hinterland beyond the confines of the harbor and for all other new commerce as well as all diverted traffic. Commerce with final origins and destinations within the confines of the study harbor is normally noncompetitive with other harbors and need not be considered for diversion unless unusual circumstances exist. Diversion of established commerce now moving through the existing harbor to or from the hinterland is dependent on many different cost and service factors; therefore, to assure that all of these factors are included in the analysis, interviews and consultations with shippers and receivers should be conducted prior to any determination concerning diversion of traffic. Factors to be considered in the analysis will include, but are not limited to, transportation costs for both inland and ocean movement, handling and transfer charges, available service and schedules, carrier connections, institutional arrangements, and other related factors. In addition, for commodities with shifts in origins and destinations, as well as for new movements, data must be collected on the value of the delivered product as well as production and transportation costs for shipments with the project. The specific data and method of collection will vary with the specific situation and the nature of the benefit.

(g) *Step 7—Determine future cost of commodity movements.* Relevant shipping costs during the period of analysis and future changes in the fleet composition, port delays, and port capacity must be estimated under the with- and without-project conditions for each alternative improvement under study. Future transportation costs will be based on the vessel operating cost prevailing at the time of the study. Additional analysis may be necessary to obtain data on the relationship between total volume and delay patterns and port capacity for the with- and without-project condition for each alternative. Changes in costs due to the project should be identified and separated from changes due to other factors.

(h) *Step 8—Determine project use with and without project.* At this point, the analyst will have a list of commodities that potentially might use the proposed improvement; potential tonnages of each commodity; transportation costs for alternatives and for the proposed improvement; and present and future fleet composition with and without the proposed plan. To project the proposed harbor use over time, both with and without the project, the analyst must compare costs, other than project costs, for movements via the proposed plan and via each alternative. Any changes in the cost functions and demand schedules in the current and future without condition and the current and future with condition must be analyzed. Conceptually, this step should include all factors that might influence a demand schedule. The analyst must determine the impact of uncertainty in the use of the harbor; the level of service provided; and existing

and future inventories of vessels. Adequate lead time for adoption must be provided for vessels that are currently a small percentage of the world fleet.

(i) *Step 9—Compute NED benefits.* Once the tonnage moving with and without a plan is known and the cost via the proposed harbor and via each alternative are known, total NED navigation benefits will be computed using the applicable discount rate.

(1) *Cost reduction benefits.* (i) *Traffic with same commodity, origin-destination, and harbor.* For traffic now using the harbor or expected to use it, in the future, both with and without the proposed project, including future growth, the transportation benefit is the difference between current and future transportation cost for the movement by the existing project (without-project condition) and the cost with the proposed improvement (with-project condition).

(ii) *Traffic with same origin-destination; different harbor.* For commerce shifted to the proposed improvement from other harbors or alternatives, including future growth, the benefit is any reduction in current and future costs when movement via the proposed improvement is compared with each alternative.

(2) *Shift in origin-destination benefits and new movement benefits.* This benefit is the value of the delivered product minus the transportation and production costs with the project (Steps 2 and 6). The benefit must be cross-checked against each currently available production and transportation alternative to ensure that the project causes the changed movement and will be used when built.

(3) *Prevention and reduciton and damages benefits.* Benefits for the prevention or reduction of damages to vessels and shore facilities, cleanup costs, and losses in beneficial uses may be difficult to measure. Direct interview and empirical studies are the most appropriate means of determining past damages and losses. Reduction in collisions, groundings, and damages to shore facilities will be based on the probability of accidents with and without the project. Past damages from collisions and groundings can be used in frequency-damage relationships for claiming benefits.

(4) *Advance replacement and operation-maintenance benefits.* The benefit for advance replacement of existing improvements will be for replacement-in-kind. Replacement that involves improvement will be separately identified. When the operation and maintenance costs of an existing harbor are reduced as a result of a project, benefit equal to savings in cost is creditable to the project.

(5) *Land enhancement and dredged material utilization benefits.* The net benefit from filled land created by disposition of dredged material from the proposed improvement is the net increased market value, limited to the cost of equivalent fill, exclusive of development costs and any additional costs of depositing the dredged material. If the dredged material has salable value, the benefits may be the fair market value of the material.

§ 713.809 Problems in application.

(a) *Multiport analysis.* The procedure in this manual calls for a systematic determination of alternative routing possibilities. The data needed for such a determination are often difficult to obtain; therefore, interviews with knowledgeable experts will often have to be relied upon.

(b) *Ultimate origins and destinations.* The procedure calls for an analysis of full origin-destination costs to determine routings as well as to measure benefits in some instances. Problems will arise in determining the ultimate origins and destinations of commodities and in determining costs. Therefore, the analyst should attempt to shorten the analysis to the most relevant cost items.

(c) *Sensitivity analysis.* Risk and uncertainty must be addressed in the analysis. In dealing with uncertainty, three techniques may be used: establishing consistent sources of data; expanding the data-gathering effort; and estimating the range of benefits. The technique of estimating the range of benefits shall be implemented and the results in terms of effects on project benefits shall be computed and displayed in tabular form in the project report for the following:

(1) *Current tonnage.* Benefits for the recommended alternative shall be computed on the basis of current tonnage.

(2) *Current fleet.* Benefits for the recommended alternative shall be computed on the basis of tonnage over time using current fleet characteristics.

(3) *Growth beyond 20-year period.* Benefits for the recommended alternative shall be computed assuming no growth in tonnage or changes in fleet characteristics beyond 20 years in the future.

(4) *Other.* The report shall contain such other sensitivity analyses as are appropriate.

(d) *Data sources.* The following discussion summarizes key data sources, including problems in their use:

(1) *Interviews.* Data not available from secondary sources shall be collected by personal interviews. (Only interview forms approved by Office of Management and Budget shall be used.) The questionnaire used and a summary of responses shall be compiled and displayed in the project report in such a way that individual sources are not disclosed.

(2) *Publications.* Data concerning commerce in foreign trade, United States coastal shipping, and activities of U.S. flag vessels in foreign trade, together with limited data concerning the world fleet, are readily available from a number of Federal agencies, trade journals, and port publications. However, data concerning the foreign-flag fleet are often not regularly available in up-to-date form from sources in the United States. Principal governmental sources are the U.S. Army, Corps of Engineers, the U.S. Department of Commerce, Maritime Administration and Bureau of the Census. For more detailed background on world fleet trends, shipping outlooks, and vessel characteristics, available foreign literature must be carefully analyzed. A few of the available foreign ship registers and literature are listed below to illustrate the type of data available from foreign sources.

Lloyd's Register of Shipping, London (Annual).
The Tanker Register, H.B. Clarkson (Annual).
The Bulk Carrier Register, H.B. Clarkson (Annual).
Shipping Statistics and Economics (and special reports), H.P. Drewry, Ltd., London (Monthly).
Fairplay International Shipping Journal (and special reports), London (Monthly).

§ 713.811 Report and display procedures.

Clear presentation of study results, as well as documentation of assumptions and steps in the analysis, will facilitate review of the report. The accompanying tables are suggested for all navigations reports. The suggested tables are not intended to limit the number of displays, nor is each of the illustrated displays required in every report. The number of displays will depend on the complexity of the study.

Table 713.811-1.—*Projected Vessel Fleet Size Distribution,*[a] —— *Fort Channel Plan*

[By percentage]

Vessel size (dwt)	Current[b]	Percentage of tonnage				
		Base year[c]	Year 5	Year 10	Year 20	Year-20	Yearend
	With project						
Total							
	Without project						
Total							

[a] Size distribution projections should be made separately, as follows: 1. For foreign and U.S. flag fleets. 2. For vessel types. 3. For trade routes (where distances, constrictions or other circumstances indicated varying sized vessel fleets). 4. For year project plan.
[b] Study year.
[c] First year of project.

Table 713.811-2.—*Typical Vessel Dimension of Vessel Fleet by Type and Deadweight Tonnage*

Type	Vessel characteristics			
	DWT	Length	Beam	Draft, loaded

Table 713.811-3.—*Computation of Annual Transportation Costs* [a] *for* ————

DWT group (000)	Foot channel				Foot channel				Foot channel			
	Tonnage carried		Unit cost	Total cost (000)	Tonnage carried		Unit cost	Total cost (000)	Tonnage carried		Unit cost	Total cost (000)
	Percent	Volume (000)			Percent	Volume (000)			Percent	Volume (000)		
Total												

[a] Similar computations should be included for major commodity movements.

Table 713.811-4.—*Projected Commerce for Deep-Draft Traffic*

Commodity[c]	Current[a]	Base year[b]	Year 5	Year 10	Year 20	Year ——	Year ——	Yearend	Average annual
		With project							
		Without project							

[a] Study year.
[b] First year of project.
[c] Commodities should be categorized by trade area.

Table 713.811-5.—*Projected Vessel Trips for Deep-Draft Traffic*

Vessel type[a]	Current[b]	Base year[c]	Year 5	Year 10	Year 20	Year ——	Year ——	Yearend	Average annual
		With project							
		Without project							

[a] Show projected vessel trips by type of vessel and total for project life.
[b] Study year.
[c] First year of project.

Table 713.811-6. *Project Savings for Deep-Draft Traffic*

Commodity[a]	Current[b]	Base year[c]	Year 5	Year 10	Year 20	Year ——	Year ——	Yearend	Average annual
		With project							
		Without project							

[a] Savings should be shown by commodity and total commerce.
[b] Study year.
[c] First year of project.

Subpart L—Benefit Evaluation Procedures—Commercial Fishing

Sec.

713.1001 Introduction.
713.1003 Conceptual basis.
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Authority: Sec. 103, Pub. L. 89–80; 79 Stat. 245; 42 U.S.C. 1962 a–2.

Subpart L—NED Benefit Evaluation Procedures: Commercial Fishing

§ 713.1001 Introduction.

(a) This section provides procedural guidance for the evaluation of the national economic development (NED) benefits of water and related land resources plans to commercial fishing. These procedures shall apply to marine, estuarine, and fresh water commercial fisheries for both fish and shellfish.

§ 713.1003 Conceptual basis.

(a) The NED benefits, which include consumer surpluses to commercial fishing from a project or plan, can be measured as the change in the value of output minus the changes in the harvesting costs.

(b) When the projected change in output is too small to affect market price, the value of any change in output can be measured by the change in revenue minus associated costs to primary harvesters. On the other hand, if additional output is expected to affect market prices, the gross value of the change in output can be estimated using a price midway between that expected with and without the plan. (See Section F of Water Resources Council Standards for a graphical depiction of this measure of value.) This gross value measure minus the increase in costs to harvesters will provide an estimate of the value of the increase in production.

§ 713.1005 Planning setting.

(a) *Without-project condition.* The without-project condition is the most likely condition expected to exist in the future in the absence of one of the proposed alternative plans. Several specific element shall be included in the without-project condition:

(1) *Habitat condition.* The biological resources consist of stocks of living resources subject to commercial fishing, any living resources ecologically related to the stocks, the migration pattern and reproduction rate of the stocks, and any physical characteristic of the environment essential to these living resources.

(2) *The institutional setting.* Existing local, State, regional, national, and international policies and regulations governing the harvest and sale of the affected species, including the level of access to the fishery shall be included in the without-project condition. Expected revisions of such policies and rules shall also be included unless policy or rule revision is one of the alternative plans being studied.

(3) *Nonstructural measures.* The effects of implementing all reasonably expected nonstructural methods, including those required or encouraged by Federal, State, and local policies, shall be included. Nonstructural measures may include, but are not limited to, prevention of pollution to the marine environment or changing the temperature or oxygen level of the water.

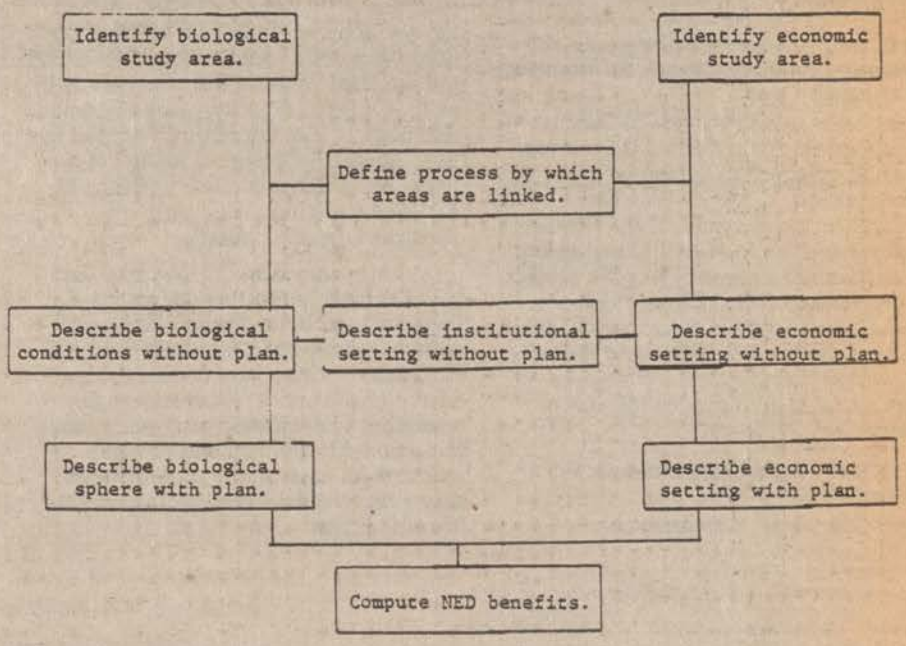
(4) *Market conditions.* The projected number of harvesters, the percentage of their time and capacity utilized, harvest technology, the markets in which they buy inputs, fishing efforts, probable harvests, harbors and channels utilized, and probable processing and distribution facilities shall be included in the without-project condition. Projected market conditions should be consistent with the projected biological and institutional conditions.

(b) *With-project condition* The with-project condition is the most likely condition expected to exist in the future with a given project alternative. The elements and assumptions included in the without-project condition shall also be included in the with-project condition. Special attention should be given to tracing economic conditions related to postive or negative biological impacts of the proposed plan.

§ 713.1007 Evaluation procedure: General.

The steps in §§ 713.1009–.1015 are necessary to estimate NED benefits to commercial fishing from water or related land resources plans. The level of effort to be expended on each step depends on the nature of the proposed project, the reliability of data, and the degree of refinement needed for project formulation and evaluation.

Figure 713.1007–1 Flowchart of Commercial Fishing Evaluation Procedures



§ 713.1009 Evaluation procedure: Identify the affected areas.

(a) Identify the biological study area which is the ecosystem within which the proposed alternative plans will have impacts on habitat or fishery conditions.

(b) Identify the economic study area which is the economic setting within which the proposed alternative plans will have impacts on the inputs or outputs of the harvesters.

(c) Describe the process by which the biological and economic study areas are linked for those management and development plans that directly or indirectly affect both areas.

§ 713.1011 Evaluation procedure: Determine the without-project condition.

(a) Estimate the harvest of the relevant species in physical terms if a project is not undertaken. Include a detailed description of the stock, including catch per unit of effort and whether or not the projected harvest is at, or near, the range of absolute decreasing returns. (See § 713.1005(1))

(b) Describe the most likely set of institutional conditions that would exist without a project. (See § 713.1005(2).)

(c) Estimate the prices of the relevant species and the total cost of harvesting in each of the relevant years if a project is not undertaken. A weighted ex-vessel price that corrects for seasonal fluctuations should be obtained. (See § 715.1005(4).)

§ 713.1013 Evaluation procedure: Determine conditions that would exist with an alternative plan.

(a) Estimate the harvest of the exploited stocks in each of the relevant years if an alternative plan is undertaken.

(b) Estimate the price of the harvested species and the total cost of harvesting in each of the relevant years if a project is undertaken. This will require an understanding of the economics of entry and exit for the fish harvesting industry, as well as the effects of a change in harvest rates on the catch per unit of effort.

§ 713.1015 Evaluation procedure: Estimate NED benefits.

(a) *Change in gross revenues.* Calculate the differences in the value of changes in output to the harvesters between the without- and with-project conditions for each year for the life of the proposed plan.

(b) *Change in consumer surplus.* The change in consumer surplus is calculated by multiplying the change in output by one-half the expected change in price as a result of the plan.

(c) *Change in associated costs.* Calculate the differences in total harvesting costs between the with- and without-project conditions for each year of the plans.

(d) *Net NED benefits.* The value of the change in output plus the change in consumer surplus minus the change in harvesting cost for each year is the measure of the NED benefits as a result of the proposed plan. The net NED benefit is the present value of the stream of annual benefits.

§ 713.1017 Problems in application.

(a) The fact that fish are common, as opposed to private, property creates special problems in measuring NED benefits. Unless entry is restricted, excessive quantities of capital and labor will enter a fishery; that is, entry will continue until the "economic rent" from the living stock is dissipated. This excess entry will result in economic inefficiency in the utilization of fishery resources because the value of the resulting extra output will be less than the social opportunity cost of the entry. Some economic benefits may be realized but the total benefits will not be as large as they might be if entry were restricted. Although evaluation of this potential has been limited by the specification of the with- and without-project condition in § 713.1005 four specific points are worthy of separate mention.

(1) *Transitory benefits.* Because the benefits from harvesting open-access fisheries tend to be dissipated through entry of excess capital and labor, some NED benefits from commercial fishing can be transitory. It will therefore be necessary to determine how many years these benefits will last and in what amounts for each year. Other benefits may vary over time but will last for the life of the plan.

(2) *Open access.* The fact that open access to a fishery can result in lower net benefits than limited entry can lead to significant problems in interpretation of NED benefits, especially if the project would have a negative effect on the fishery. If an open access fishery is biologically damaged as a result of a project, the financial costs will be less than the potential social costs if the damage to the fishery precludes better management through an institutional change to restricted entry sometime in the future. Therefore, if such management is possible, a theoretical with-without comparison would indicate that the project not only causes direct losses in NED benefits but it also prevents possible gains from proper management through restricting access to the fishery.

(3) *Industry capacity.* The excess capacity that will normally exist will make it difficult to obtain a proper estimate of changes in costs associated with changes in harvests. In some instances, idle boats will be available and the only additional costs will be operating costs. In other instances, vessels that are already operating will be able to harvest the extra catch without significant change in variable costs.

(4) *Regulation.* Because of the tendency of open-access fisheries to attract excess capital and labor which can deplete the stocks, most commercial fishing operations are currently subject to government regulations which stipulate the manner, time, place, etc., in which harvesting may take place. These stipulations usually result in harvesting activity that is not as economically efficient as it might be. These stipulations will therefore affect the size of NED benefits and will, in general, make them smaller than they otherwise would be.

(b) Another important issue is the productivity of the exploited stock. As the harvest rate of living stocks goes up, it is possible to reach a range in which increases in annual harvesting efforts will actually produce a long-run decrease in the quantities harvested. Further, in instances in which there are no restrictions on entry to the harvesting sector, it is possible that commercial

fishing will operate in this range of absolute decreasing returns. This is possible because individual operators will compare only their revenues and costs; they will not be concerned with the absolute productivity of the stock. This can be very important in determining NED benefits because what may appear to be a positive effect (something that encourages an increase in harvesting effort) may ultimately result in negative benefits (decreased total harvest and increased cost per unit of harvest).

§ 713.1019 Evaluation procedure: Data sources.

Data for annual harvests, demand, harvesting and processing costs, ex-vessel and other prices, physical production, biological modeling, models or information about management policies and regulations, and survey results are available from several Federal, State, and local government agencies, universities (especially those with sea grant programs), private organizations (such as industry groups, fishermen unions, or cooperatives), regional fisheries management councils, and international commissions or organizations. Initial contacts should be made with the National Marine Fisheries Service Regional Office, United States Coast Guard, State resource agencies having management or other responsibility for the fishery or resource in question, and all local or regional fishery councils, commissions, or institutes that have responsibility or jurisdiction or that are functioning within the area affected by the project. Fisheries dynamics biologists at universities or at Natural Marine Fisheries Service regional laboratories will be the best source of information on biological effects and their repercussion in the market.

§ 713.1021 Report and display procedures.

Clear presentation of study results, as well as documentation of key input data assumptions and steps in the analysis, will facilitate review of the report. Table 713.1021–1 is a suggested method of data presentation. Its use will provide the reader with information on physical changes in output as well as value. Further, the value data are divided into changes in market value and changes in consumer surplus. As noted in § 713.1003 above, it is possible to combine these two steps by taking the average of expected price before and after project during a year to arrive at a gross value of output. Because the benefits are broken down into annual flows, it will be possible to determine if and when the open access nature of commercial fishing will lead to a dissipation of any NED benefits provided by the project.

Table 713.1021–1.—*Guide to Benefit Calculation*

Years	1	2	n
(1) Change in output			
(2) Market value of change in output (line 1 times expected price).			
(3) Costs associated with change in output.			
(4) Net market value (line 2 minus line 3).			
(5) Changes in consumer surplus			
(6) Net change in value of production (line 4 plus line 5).			

Present value of annual flow of net change in value of production for ——— years at — percent is ———.

4. By adding a new Part 714 to read as follows:

PART 714—ENVIRONMENTAL QUALITY EVALUATION PROCEDURES FOR LEVEL C WATER RESOURCES PLANNING

Subpart A—Introduction

Sec.

714.100 Purpose and scope.
714.110 Authority.
714.120 Agency activities covered.
714.130 Application.
714.140 Modification.
714.150 Judicial review.

Subpart B—Definitions

714.200 Definitions.

Subpart C—General Evaluation considerations

714.300 Introduction.
714.310 Interdisciplinary planning.
714.320 Public involvement.
714.330 Integration of other review, coordination and consultation requirements.
714.340 Significance.
714.350 EQ account.
714.360 Measurement framework.
714.370 Documentation.
714.380 Performance objectives.

Subpart D—Process

714.400 Introduction.
714.410 Scope resources.
714.420 Inventory resources.
714.430 Assess effects.
714.440 Appraise effects.

Authority: Sec. 103 and 402, Pub. L. 89–80, 79 Stat. 245 (42 U.S.C. 1962a–2 and d–1); Sec. 102(2)(b), Pub. L. 91–190, 83 Stat. 852 (42 U.S.C. 4332).

Subpart A—Introduction

§ 714.100 Purpose and scope.

(a) The Water Resources Council (WRC) has developed procedures to provide operational guidance on how to implement the Principles and Standards established by WRC pursuant to Section 103 of the Water Resources Planning Act Pub. L. 89–80; 42 U.S.C. 1962a–2). This part of the procedures is specifically intended to supplement and implement the Standards for the evaluation and display of environmental quality (EQ) effects in water resources planning (Level C).

(b) These procedures provide a systematic method for evaluating the nonmonetary effects of alternative plans on natural and cultural resources to be displayed in the EQ account. The "human environment" cited in the National Environmental Policy Act (NEPA, Pub. L. 91–190) is made up of the full range of resources and values included in the four P&S accounts. Therefore, EQ evaluation by itself will address only the part of the human environment related to the ecological, aesthetic, historic, educational/scientific, and pristine values of natural and cultural resources. Other values, such as the monetary human health, and social values of natural, cultural, and other resources, are to be evaluated in accordance with the appropriate evaluation procedures for the NED, RED, and OSE accounts.

(c) Compliance with these procedures is intended to satisfy the analysis and disclosure requirements of NEPA, and assist agencies in meeting the requirements of NEPA, as specified in the NEPA regulations (40 CFR 1500–1508), with respect to the EQ account. Table 714.100 lists some of the interrelationships between the NEPA regulations and these procedures.

Table 714.100—*Interrelationships Between NEPA Regulations and These Procedures*

Requirements of NEPA regulations (40 CFR 1500–1508)	Related requirements of these procedures (18 CFR 714)
1501.2 Apply NEPA early in the process.	714.400 Early stages of EQ evaluation.
1501.6 Cooperating agencies.	714.310 Members of cooperating agencies on the interdisciplinary team. 714.320 Cooperating agencies as members of the public. 714.410 Cooperating agencies in the Scope Resources Phase.
1501.7 Scoping	714.320 public involvement in EQ evaluation. 714.340 Focus on significant resources. 714.410 Identify other institutionally recognized resources to be evaluated.
1502.14 Alternative including the proposed action (section in EIS).	714.420 Forecast "without plans" conditions (No Action alternative). 714.430–440 Substantial and equal analysis of each alternative plan.
1502.16 Environmental consequences (section in EIS).	714.430–440 Identification, description and appraisal of EQ effects of each alternative plan.
1502.25 Environmental review and consultation requirements.	714.330 Integration of other requirements into EQ evaluation.

Table 714.100—*Interrelationships Between NEPA Regulations and These Procedures*—Continued

Requirements of NEPA regulations (40 CFR 1500–1508)	Related requirements of these procedures (18 CFR 714)
	714.410 Use of other, existing requirements in EQ evaluation.
1506.2 Elimination duplication with State and local procedures.	714.410 Integration of resources of State and local importance into EQ evaluation.
1506.6 Public involvement.....	714.320 Public involvement in EQ evaluation. 714.410 Public involvement in the Scope Resources Phase.

§ 714.110 Authority.

(a) The President's July 12, 1978, memorandum: "Planning and Evaluation Standards," stated that reforms were essential to achieve environmental quality in water resources management. It further stated that "too little attention has been paid to environmental values" and directed WRC to publish a planning manual that will ensure that benefits and costs are calculated in compliance with the Principles and Standards.

(b) WRC's authorities for developing these procedures are Sections 103 and 402 of the Water Resources Planning Act (Pub. L. 89–80; 42 U.S.C. 1962a–2 and d), and Section 102(2)(B) of NEPA (Pub. L. 91–190; 42 U.S.C. 4332).

(c) NEPA is the Nation's basic charter for protection of the environment. Section 101 establishes policies and set goals; Section 102 provides means for carrying out the policy. Section 102(2)(B) specifically requires Federal agencies to "Identify and develop methods and procedures. . . which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in discisionmaking along with economic and technical considerations."

§ 714.120 Agency activities covered.

(a) These procedures are to be used for the evaluation of beneficial and adverse EQ effects of Federal and Federally-assisted water resources projects covered in § 711.4 of the Principles and Standards for Planning Water and Related Land Resources. They apply to all Level C (project) planning studies subject to the Principles and Standards, including projects that may be approved by agency administrators; projects requiring congressional authorization; and authorized projects or separable features of authorized projects not yet under construction for which agencies currently prepare postauthorization planning documents. For the purposes of these procedures a project shall be considered "under construction" when funds have been appropriated by the Congress or budgeted by the President for land acquisition or physical construction activity. Projects for which postauthorization planning documents are not required shall be considered under construction when authorized for construction.

(b) The Secretaries of Departments shall retain the discretion to review those projects not under construction and may, under their discretionary authority, wholly exempt a project from complying with these procedures, or partially exempt a project and direct expedited additional planning to meet specific procedures.

(1) This discretionary authority applies to those projects not yet authorized for which preauthorization planning is now complete or will be complete by the end of fiscal year 1981, and to those authorized projects requiring postauthorization planning if such planning is now complete or will be complete by the end of fiscal year 1981. For purposes of these procedures, preauthorization or postauthorization planning shall be considered complete when the appropriate planning documents have been approved by the responsible agency's field office.

(2) Secretarial authority to exempt projects from the procedures is provided to prevent undue loss of the time or expenditure of public funds in those cases in which the Secretary judges additional planning to be unnecessary.

(3) This discretionary authority may not be exercised after July 31, 1982. When this authority is exercised, the decision and reasons for it are to be recorded in the planning document.

(c) Authorized projects exempted from complying with the Principles and Standards are also exempted from complying with these procedures.

§ 714.130 Application.

The administrator of each covered Federal or Federally-assisted program is responsible for applying these procedures. The responsible agency administrator shall adopt these procedures within 30 days after the date of publication as final rules in the **Federal Register.**

§ 714.140 Modification.

To ensure that the best available techniques and accurate and consistent analyses are used, WRC will periodically supplement these procedures with specific measurement techniques as the state of the art advances, and revise these and subsequently adopted procedures as experience, research, and planning conditions dictate.

§ 714.150 Judicial review.

The Water Resources Council's intent is that judicial review of agency compliance with these procedures not occur before an agency has filed a final environmental impact statement, or has made a final finding of no significant impact (in compliance with NEPA), or initiates action that will result in irreparable injury. Further, it is WRC's intent that trivial violation of these procedures not given rise to any independent cause of action.

Subpart B—Definitions

§ 714.200 Definitions.

Alternative plan. An alternative plan consists of structural and/or nonstructural measures that alleviate particular problems or take advantage of specific opportunities associated with water and related land resources in the study area. As used in these procedures, "alternative plans" includes individual measures and combinations of measures.

Effect. An effect is the difference between the specific without-plans and with-plan condition of an EQ resource under a given alternative plan, as measured or estimated by quantity and quality indicators.

EQ resource. An EQ resource is a specific identifiable natural or cultural form, process, or other phenomenon (including those related to land, water, atmosphere, plants, animals, and cultural objects, sites, buildings, structures, and districts) that:

(a) Is located in a specified study area;

(b) Is significant based on institutional or technical criteria or public concern; and

(c) Possesses one or more EQ values.

Guideline. A guideline is a standard, criterion, threshold, optimum level, or other desirable level for a quantity or quality indicator that provides a basis for judging whether an effect is beneficial or adverse. For example, a guideline for the quality indicator "carrying capacity" may be "between one and two quail/acre."

Indicator. An indicator is a measurable attribute of an EQ resource that specifies resource characteristics for which data will be collected. Two types of indicators are used in EQ evaluation. Quantity indicators, such as area and distance, are used to measure the physical dimensions of a resource. Quality indicators, such as carrying capacity and visual diversity, are used

to directly measure or estimate a resource's EQ values.

Period of analysis. The period of analysis is the time horizon for beneficial and adverse effects of alternative plans. The period of analysis will be the lesser of the period of time over which alternative plans can reasonably be expected to serve a useful purpose, or a period not to exceed 100 years. For purposes of EQ evaluation, the period of analysis is to include the installation period during which alternative plans would be implemented.

Study area. The study area is a geographic space with an identified boundary that includes the area identified in the study's authorizing document; the locations of resources included in the study's identified problems and opportunities; the locations of alternative plans, often called "project areas"; and the locations of resources affected by alternative plans. The study area for EQ evaluation is to be synonymous with the study area defined in the planning process.

With-plan condition. The with-plan condition is an estimation of the most probable future conditions of an EQ resource expected to result from implementation of a specific alternative plan formulated during the study.

Without-plans condition. The without-plans condition is an estimation of the most probable, future condition of an EQ resource in the absence of any of the study's alternative plans. The without-plans condition is synonymous with the No Action alternative required by regulations of the Council on Environmental Quality (CEQ) implementing the procedural provisions of NEPA (40 CFR 1502.12).

Subpart C—General Evaluation Considerations

§ 714.300 Introduction.

(a) EQ evaluation is a set of activities and their aggregate outcomes that is necessary to identify, describe, and appraise the effects of alternative plans on significant natural and cultural resources. Its purpose is to identify the beneficial and adverse effects of alternative plans on EQ resources so that agency decisionmakers can appraise the net effects of the plans. The interaction of EQ evaluation with the planning process is intended to emphasize enhancement and avoid degradation of EQ resources.

(b) EQ is one of the four accounts in which the effects of alternative plans are to be evaluated. Taken together, these four accounts—EQ, National Economic Development (NED), Regional Economic Development (RED), and Other Social Effects (OSE)—encompass the "human environment" cited in NEPA and CEQ's regulations implementing NEPA's procedural provisions (40 CFR 1500–1508).

§ 714.310 Interdisciplinary planning.

(a) Interdisciplinary planning is the approach to decisionmaking in which professionals with specific expertise in subjects requiring analysis for a particular study are involved in each step of the planning process. The involvement of these experts, hereinafter referred to as "planners," ensures that the best appropriate information is included in and has a material bearing on the decisionmaking process. Interdisciplinary planning is required by the P&S and NEPA, and is emphasized in EQ evaluation.

(b) Like the overall water resources planning process, EQ evaluation necessitates the use of an interdisciplinary approach to deal effectively with the wide range of natural and cultural resources encompassed by EQ. In addition to professionals in the planning agency, interdisciplinary planning includes participation by experts and professionals in cooperating agencies where necessary knowledge and skills are not immediately available in the planning agency.

§ 714.320 Public involvement.

(a) Many Federal policies on water resources planning require the involvement of individuals and groups, including representatives of other Federal and non-Federal agencies. Specific public involvement procedures vary among agencies but generally include provisions for primary contact through meetings, hearings, or workshops, and secondary contact through letters of comment on study documents and other means.

(b) The intent of public involvement is inherent in some specific processes and procedures not usually included in traditional agency approaches to public involvement programs. For example, many Federal policies related to EQ have been implemented by procedures that require a specific type of review, coordination, or consultation between planning agencies and agencies with custodial responsibilities for certain EQ-related factors. Such procedures include the "NEPA process" pursuant to NEPA, the "Section 7 consultation process" pursuant to the Endangered Species Act; the "Section 106 procedure" pursuant to the National Historic Preservation Act; the Coordination Act report" pursuant to the Fish and Wildlife Coordination Act; and the "consistency determination" pursuant to the Coastal Zone Management Act. In addition, CEQ's regulations implementing NEPA require that planning (lead) agencies request the participation of other (cooperating) agencies with jurisdiction by law or special expertise early in the NEPA process and during the scoping process (see NEPA regulations, 40 CFR 1501.6–1501.7). Those procedures further supplement the NEPA mandate for interdisciplinary planning by ensuring that the expertise and views of cooperating agencies be an integral part of the lead agency's planning.

(c) EQ evaluation requires the involvement of many public groups and individuals to meet several objectives. First, the public is a source of information in identifying and measuring EQ resources, collecting and developing data on EQ resources, appraising significant effects, and meeting other requirements when the knowledge and opinions of others are needed. Second, as a reviewer of the results of EQ evaluation, the public will have opportunities to ensure that their views have been properly incorporated into analyses; to understand the implications of their views concerning the significance of resources and effects and the beneficial and adverse effects of alternative plans; and to react to evaluation results in such a way that alternative plans may be modified in reformulation.

§ 714.330 Integration of other review, coordination, and consultation requirements.

To the fullest extent possible, EQ evaluation is to be conducted concurrently and integrated with the documentation, studies, and analyses required by other environmental review, coordination, and consultation mandates and procedures, including but not limited to those related to NEPA, the Endangered Species Act, the National Historic Preservation Act, the Fish and Wildlife Coordination Act, and the Coastal Zone Management Act. Documentation, studies, and analyses based on these requirements and EQ evaluation should be complementary to avoid duplication.

§ 714.340 Significance.

EQ evaluation will focus on issues that are significant, that is, that are likely to have a material bearing on the decisionmaking process. The decisionmaking process includes EQ evaluation, planning, and all other related processes leading ultimately to implementation of a plan. In EQ evaluation, significance is attributable

to both resources and effects. Insignificant issues will not be included in evaluation, but such issues may be reintroduced if they are later demonstrated to be significant.

§ 714.350 EQ account.

The EQ account includes natural and cultural resources that possess one or more EQ values, which are the nonmonetary qualities of natural and cultural resources of utility to man. EQ values are:

(a) Ecological value, which is attributable to natural resources that do or could support or provide the food, water, cover, reproduction, space, and other life requirements of plant and animal populations and communities. The Grey Lodge Wildlife Area and the Chesapeake Bay great blue heron rookery are examples of resources with ecological value.

(b) Aesthetic value, which is attributable to views, sounds, scents and other perceptual stimuli of natural and cultural resources that do or could provide diverse and pleasant surroundings for human enjoyment and appreciation. A view of the South Branch Valley and the sound of Blackwater Falls are examples of resources with aesthetic value.

(c) Historic value, which is attributable to natural resources and cultural places and objects that have played a special role in, or contain an account of, the course of human activity. The Seneca Trail and the Red Rock cliff dwellings are examples of resources with historic value.

(d) Educational and scientific value, which is attributable to natural and cultural resources that convey an understanding of how and why things occur or took place, or have a potential for future educational or scientific use. The Tuscaroara Sandstone formation and the restored Trading Post settlement are examples of resources with educational and scientific value.

(e) Pristine value, which is attributable to natural resources that provide the opportunity to experience conditions essentially unaltered by man's activities or substantially recovered from prior human influence. The Emigrant Basin Wilderness Area and the Blackwater Canyon are examples of resources with pristine value.

§ 714.360 Measurement framework.

(a) EQ evaluation requires the measurement of effects of alternative plans on the quantity and quality of natural and cultural resources.

(b) Effects on the quantity of natural and cultural resources are measured in terms of physical dimensions, such as acres, miles, etc. Effects on resource quantities are determined by measuring differences between the with-plan and without-plans conditions for such physical dimensions.

(c) Effects on the quality of natural and cultural resources are measured in terms of the resources' ecological, aesthetic, historic, educational/scientific, and pristine values. Changes in these values are estimated by measuring the difference between the with-plan and without-plans conditions of quality indicators.

(d) Determination of an alternative plan's beneficial and adverse effects results from consideration of changes in the quantity and quality of natural and cultural resources.

§ 714.370 Documentation.

(a) A study's EQ evaluation is to be documented in such a way that an independent reviewer can fully and clearly understand the decisions that were made and the reasons for making them. Documentation should be clear, concise, and effective in communicating its contents.

(b) Data collected by field sampling, laboratory experiments, interviews, literature searches, and other means are to be documented to include:

(1) Date and place of data collection;

(2) Name of person(s) who collected the data;

(3) Techniques and methods used, including assumptions;

(4) Known or suspected factors that could affect the accuracy of data collection methods, including gaps in relevant information and scientific uncertainty;

(5) Data collected; and

(6) Interpretations of the data.

(c) Data collected prior to initiation of an EQ evaluation that is referenced or incorporated in the EQ evaluation will be documented as described in paragraph (b) of this section to the extent practical.

(d) The reasons and bases for action, decisions, and results required in the EQ evaluation activities are to be documented in an appropriate form. Narrative statements, ranging from short notes to extensive description, are appropriate for most documentation needs. Other formats that may be used are: maps, including composites and overlays; graduated scales, including time lines; graphs; lists; tables; scale models; sound recordings; photographs; films; conceptual drawings; and other formats that accurately record information.

§ 714.380 Performance objectives.

Performance objectives are statements of intent for the EQ evaluation process, and serve as guides to planners in making decisions on how to carry out and document EQ evaluation. EQ evaluation and its documentation are to:

(a) Be generally understandable to members of the public interested in the evaluation.

(b) Be accessible to members of the public interested in participating in the evaluation.

(c) Be traceable so that members of the public interested in knowing the bases and events that led to decisions can follow these factors through the process.

(d) Focus on identification, measurement, and appraisal of significant effects on EQ resources.

(e) Result in information that will be useful to making decisions in advancing the planning process.

(f) Include only the level of detail necessary for reasonable accuracy of measurements, estimates, and other descriptions needed in making decisions.

(g) Be based on scientifically valid and acceptable precepts to the extent practical.

Subpart D—Process

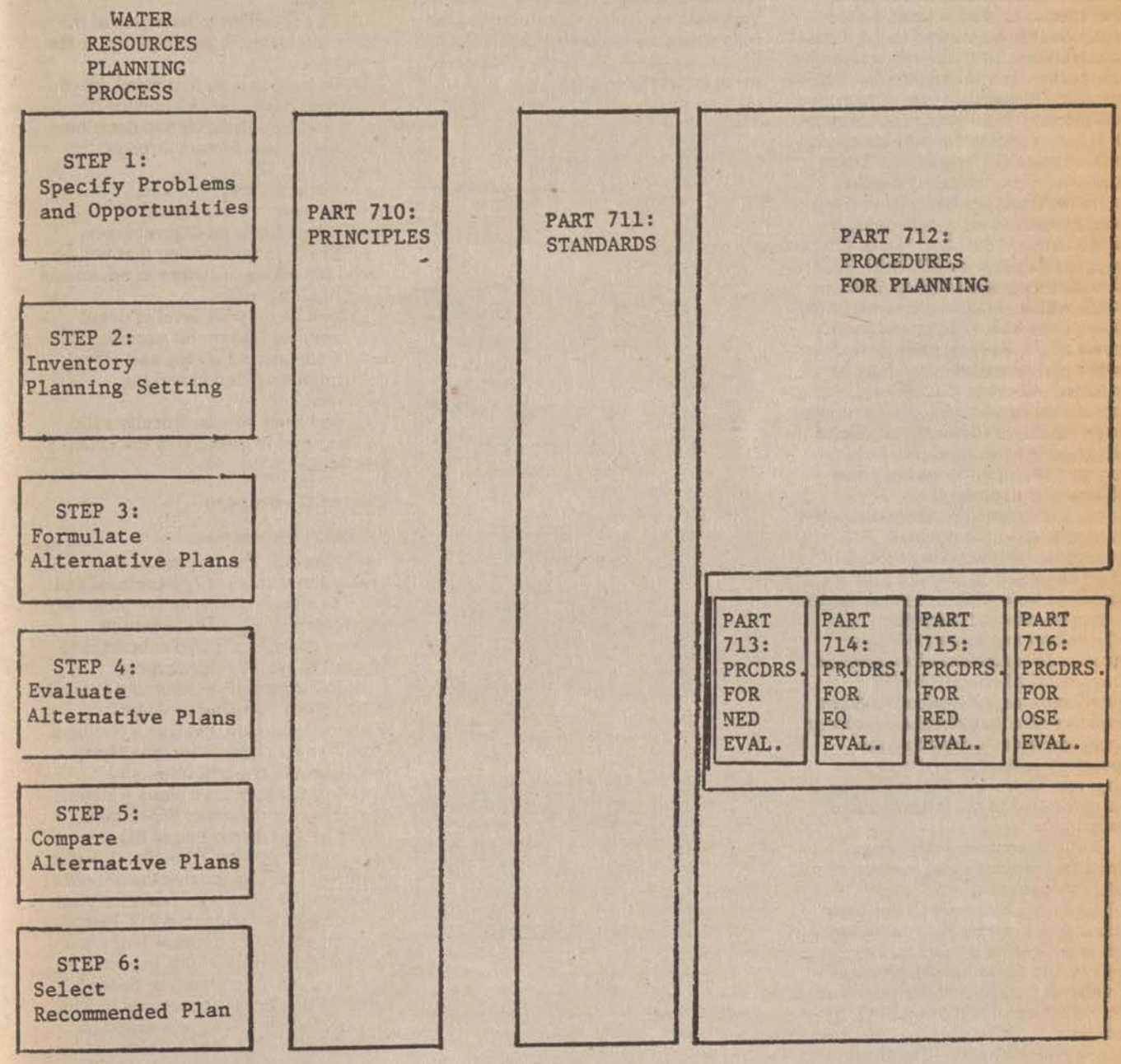
§ 714.400 Introduction.

(a) *Purpose.* The purpose of EQ evaluation is to identify beneficial and adverse effects of alternative plans on EQ resources. The EQ evaluation process described in this subpart is to be used to achieve this purpose.

(b) *Relationships to Planning Process.* (1) EQ plays two roles in water resources planning. First, as a National Objective it is a basis for identifying problems and opportunities, and formulating alternative plans which emphasize resolution of EQ-related problems and realization of EQ-related opportunities. In this capacity, it is also equal with NED in judging the net effect of alternative plans as a basis for plan recommendation. See Part 712, Planning Procedures (to be published) for a more detailed discussion of this aspect of EQ in water resources planning. Second, EQ is one of the four P&S accounts in which effects of alternative plans are to be evaluated and displayed. Taken together, these four accounts of EQ, NED, RED, and OSE encompass the "human environment" cited in NEPA. The EQ procedures contained herein are to be used for evaluating effects in the EQ account. Procedures for evaluating effects in the NED, RED, and OSE accounts are presented in Parts 713, 715 and 716, respectively (Parts 715 and 716 to be published). See Figure 714.400–1 for a graphic presentation of these relationships.

Figure 714.400-1

Relationships Between Planning Process and Coverage in the Principles, Standards and Procedures



NOTE: Although focused on planning step 4, procedures in evaluation parts (713-716) also include certain necessary requirements related to other planning steps.

(2) In its role as an evaluation account, EQ and the other P&S evaluation procedures comprise the procedures for evaluating alternative plans (Step 4 of the planning process). While evaluation can be seen as a distinct increment in the planning process, it is important that evaluation is not seen as an end in itself. Rather, evaluation is to be viewed in the context of its relationships to the other planning steps, particularly Formulate Alternative Plans (Step 3) and Compare Alternative Plans (Step 5). Repetition of the Step 1–2–3–4–5 sequence is the essence of plan formulation and reformulation. Using information from inventorying (Step 2), alternative plans are formulated (Step 3), and evaluated (Step 4) to describe intended and unintended effects. Effects of alternative plans on EQ, NED, RED, and OSE are compared (Step 5) to identify which plans would result in the greatest beneficial effects, and least adverse effect. Subsequently, based on this comparison, some plans may be eliminated; others would be reformulated by changing plan measures to improve intended beneficial effects and diminish adverse effects. Other plans may be added to address new problems and opportunities. Reformulated plans are again compared to further narrow the range of approaches. Additional repetitions of the five steps will eventually produce a set of plans from which a recommended plan can be selected (Step 6).

(c) *Evaluation phases.* (1) While evaluation is comprised of assessment and appraisal of effects, the EQ evaluation process described in these procedures also includes the necessary scoping and inventorying that are preparatory to assessment and evaluation. Therefore, EQ evaluation is to be performed in the following four phases:

(i) Scope Resources—this phase defines the resources and measurements for EQ evaluation.

(ii) Inventory Resources—this base builds a data base for EQ evaluation.

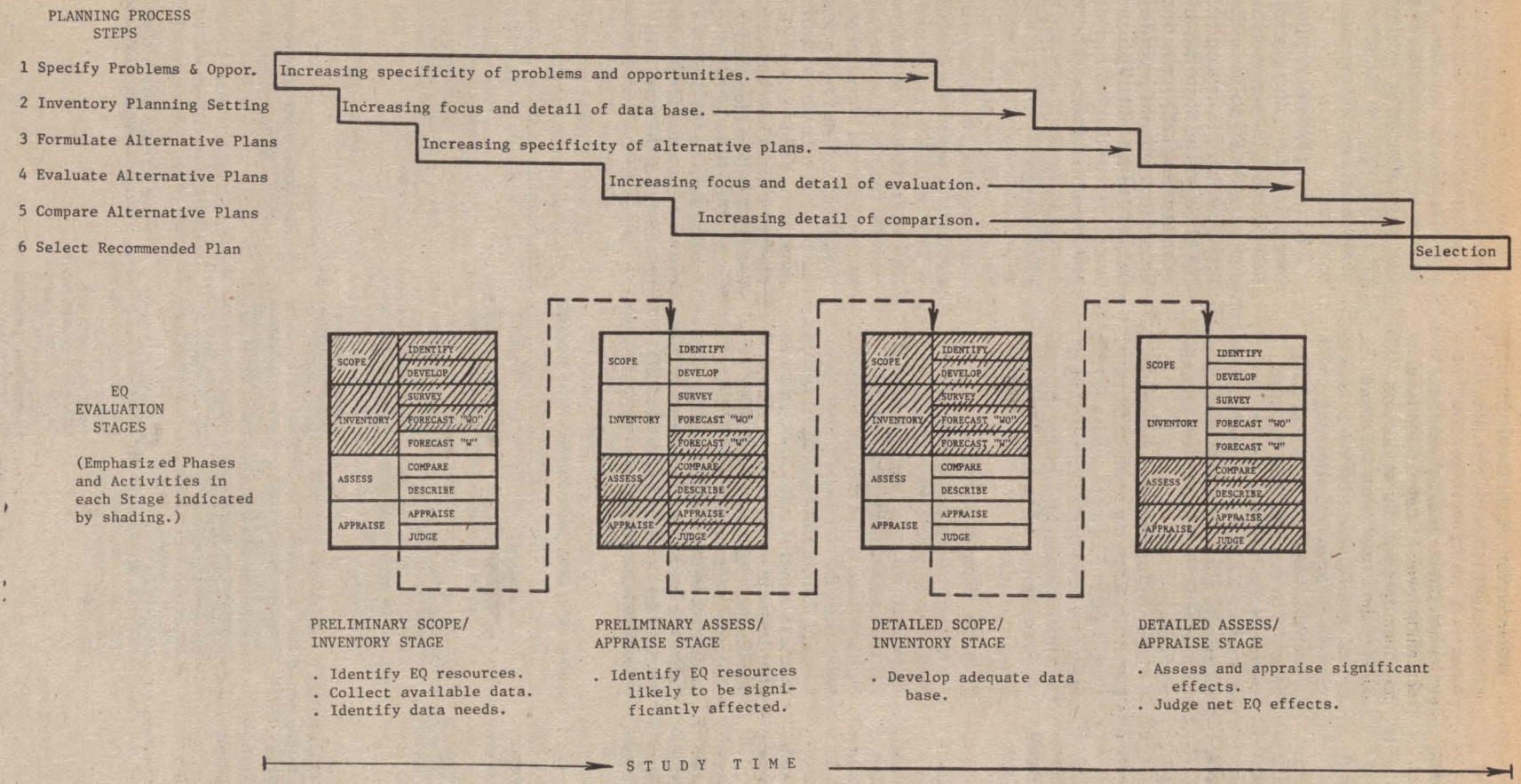
(iii) Assess Effects—this phase identifies and describes the physical and value dimensions of the significant effects of alternative plans on EQ resources.

(iv) Appraise Effects—this phase identifies and describes the desirability of the effects of alternative plans on EQ resources.

(2) Although these phases are presented linearly here, many interrelationships exist among these phases and their activities. Planners may have to repeat phases and activities in stages to complete a given EQ evaluation.

(d) *Evaluation stages.* (1) Planners are to conduct EQ evaluation in several stages, performing and repeating evaluation phases and activities in increasing levels of detail, each level commensurate with the evaluation needs of the overall planning effort. The level of detail and number of stages will vary with each planning study, but the following stages, shown graphically in Figure 714.400–2, should be considered for every study:

Figure 714.400-2
Relationship Between Planning Process Steps and EQ Evaluation Phases and Stages



(i) Early in the planning, a preliminary scope and inventory stage should be used to identify EQ resources and measurements, and to collect readily available data. This stage should emphasize the Scope Resources phase to provide a focus for evaluation and to reveal data collection and forecasting needs for the Inventory Resources phase. Early identification of EQ resources will also be helpful in identification of resources for which problems and opportunities are specified to enhance the EQ objective.

(ii) Following the preliminary formulation of conceptual alternative plans, a preliminary assess-and-appraise stage should be used to identify EQ resources likely to be affected. This stage should emphasize the Assess Effects phase, further focusing data needs by identifying those resources that would be beneficially or adversely affected, intentionally or unintentionally, by each of the alternative plans. The assessment and appraisal of effects at this stage will help identify alternative plans in terms of their enhancement and degradation of EQ resources, thereby providing bases for futher reformulations in Steps 3 through 5 of the planning process.

(iii) During the formulation of specific alternative plans, a detailed scope-and-inventory stage should be used to develop an adequate data base for the detailed assessment and appraisal of effects. This stage should emphasize the Inventory Resources phase, including completion of data collection programs and forecasting activities.

(iv) Following final formulation of specific alternative plans, a detailed assess-and-appraise stage should be used to identify, describe, and appraise significant effects and appraise the net EQ effect of each alternative plan. This stage should emphasize the Assess Effects and Appraise Effects phases to provide the agency decisonmaker with reasonable bases for judging net EQ effects. The results of this appraisal, considered jointly with the outcome of concurrent NED evaluation of the same alternative plans, will form the basis for plan selection in Step 6 of the planning process.

(2) Repeating phases and activities in stages of increasing levels of detail should aid in focusing on those EQ resources and effects that will play a role in decisionmaking, rather than on resources unrelated to or not affected by alternative plans.

§ 714.410 Scope resources.

The Scope Resources phase is performed to define the resources and measurements to be used in a study's EQ evaluation. In the first scoping activity, natural and cultural resources to be evaluated are identified on the basis of their presence in the study area, their likelihood of being affected by an alternative plan, EQ values, and significance. Resources with these characteristics are to be further evaluated. In the second scoping activity, a framework for measuring the quantity and quality of identified EQ resources is developed.

(a) *Identify EQ resources.* (1) This activity is performed to identify the specfic natural and cultural resources that would be likely to have a material bearing on the decisionmaking process if they were affected by an alternative plan. The resources identified will be analyzed in later EQ evaluation activities.

(2) Existing Federal mandates recognize many nationally important natural and cultural resources. As a minimum, the EQ values of the types of resources listed in column 1 of Table 714.410–1 will be identified and evaluated in all EQ evaluations in accordance with the procedures listed in column 4 of the table. Fish and wildlife resources, endangered species, cultural resources, wetlands, and floodplains located in the study area are to be identifed and evaluated in accordance with established procedures of other Federal agencies, pursuant to statutory authority, listed in column 4 of the table. Evaluations performed in accordance with those established procedures will also conform, to the extent practical, with the scoping, inventorying, assessment, and appraisal procedures described here, and will provide information suitable for the display required by § 714.440 (a)(4). Other resources listed in column 1 of Table 714.410–1 will be identified in accordance with the NEPA regulations; scoping process (40 CFR 1501.7) and evaluated in accordance with the procedures of this part.

Table 714.410–1.—*Resources Required To Be Evaluated*

Col. 1 Types of EQ resource required to be evaluated	Col. 2 Source of national recognition	Col. 3 Source for identification of specific resources	Col. 4 Procedures for identification and evaluation of resources	Col. 5 Quantitative measurement of resources (indicator/unit/guideline)
Fish and wildlife habitat	Fish and Wildlife Coordination Act (16 U.S.C. Sec. 661 *et seq.*).	Coordination with Fish and Wildlife Service, National Marine Fisheries Service, and State fish and wildlife agency in accordance with 50 CFR 410 (proposed rules).	50 CFR 410, Fish and Wildlife Coordination Act, Uniform Procedures for Compliance: Department of the Interior, Office of the Secretary and Department of Commerce, National Oceanic and Atmospheric Administration (proposed rules).	Area of each habitat type/acres/preservation and enhancement.
Endangered species critical habitat.	Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).	50 CFR 17.11, List of Endangered and Threatened Wildlife and Plants, Department of the Interior, Fish and Wildlife Service; and coordination with Fish and Wildlife Service and National Marine Fisheries Service in accordance with 50 CFR 402.01–402.05.	50 CFR 402.01–402.05, Interagency Cooperation Regulations: Department of the Interior, Fish and Wildlife Service and Department of Commerce, National Marine Fisheries Service.	Area of each critical habitat/acres/preservation and enhancement.
Cultural resources (archeological, historic, architectural and scientific resources).	National Historic Preservation Act of 1966 (16 U.S.C. Sec. 470 *et seq.*).	National Register of Historic Places, and coordination with State Historic Preservation Officer in accordance with 36 CFR 800.	36 CFR 800, Protection of Historic and Cultural Properties, Final Amendments: Advisory Council on Historic Preservation; 36 CFR 60, Criteria for Evaluation, National Register of Historic Places, Department of the Interior, Heritage Conservation and Recreation Service.	Presence of each National Register property/present-absent/preservation and restoration.

Table 714.410–1.—*Resources Required To Be Evaluated*—Continued

Col. 1 Types of EQ resource required to be evaluated	Col. 2 Source of national recognition	Col. 3 Source for identification of specific resources	Col. 4 Procedures for identification and evaluation of resources	Col. 5 Quantitative measurement of resources (indicator/unit/guideline)
Wetlands	Executive Order 11990, Protection of Wetlands Clean Water Act of 1977.		40 CFR 230, Section 404(b)(1) Evaluation Guidelines: Environmental Protection Agency (Applicable only to dredge and fill actions).	Area of each wetland type/acres/preservation and enhancement.
Floodplains	Executive Order 11988, Floodplain Management.	Coordination with Federal and State agencies listed in Table 1, 43 FR 6030.	43 FR 6030, Floodplain Management Guidelines for Implementing E.O. 11988: U.S. Water Resources Council.	Area of each floodplain/acre/preservation and enhancement.
Prime and unique farmland	CEQ Memorandum of August 30, 1976: Analysis of Impacts on Prime and Unique Farmland in Environmental Impact Statements.	Coordination with Department of Agriculture, State Land Use Committee.	40 CFR 1501.7 "Scoping," Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act: Council on Environmental Quality for identification of EQ resources; and 18 CFR 714, Procedures for Evaluating Environmental Quality Effects: U.S. Water Resources Council for evaluation of EQ resources..	Area of prime and unique farmland/acres/preservation and enhancement.
Areas of particular concern within the coastal zone.	Coastal Zone Management Act of 1972 (16 U.S.C. 1451 *et seq.*).	Coordination with State agency with coastal zone management responsibilities.	Same as above	Area of each area of particular concern/acres/preservation and enhancement; or presence of each area of particular concern (e.g., for historic sites)/present-absent/preservation and enhancement.
Wild and scenic rivers	Wild and Scenic Rivers Act (16 U.S.C. 1271 *et seq.*).	Coordination with Department of the Interior and Department of Agriculture.	Same as above	Length of wild, scenic and recreational river/river-miles/preservation.
Water (quality)	Clean Water Act of 1977, (33 U.S.C. 1251 *et seq.*).	Coordination with Environmental Protection Agency and State agency with water quality responsibilities.	Same as above	Flow in water courses, or area of water body/cubic feet per second (cfa), or acre-feet/preservation or improvement in flow or area with respect to applicable water quality standards.
Air (quality)	Clean Air Act, as amended (42 U.S.C. 7401 *et seq.*).	Coordination with Environmental Protection Agency and State agency with air quality responsibilities.	Same as above	Area/square-miles/preservation or improvement in area with respect to applicable air quality standards.

(3) Many other natural and cultural resources are recongized for their national, State, regional, or local importance. Therefore, as a minimum, agencies shall use the NEPA scoping process (40 CFR 1501.7) to provide other agencies, groups, and individuals the opportunity to identify other natural and cultural resources which are important for decisionmaking purposes based on the following criteria:

(i) The resource is partially or fully located in the study area;

(ii) The resource is likely to be affected by one or more alternative plans;

(iii) The resource possesses or could possess one or more material EQ values; and

(iv) The resource is significant based on institutional, public, or technical recognition.

(4) Significance based on institutional recognition means that the importance of a resource is acknowledged in the established laws, adopted plans, and other legal instruments of public agencies or private groups. Sources of institutional recognition include:

(i) Public laws, executive orders, and regulations, as well as other legal instruments of the Federal government not listed in Table 714.410–1.

(ii) Laws, directives, plans, regulations, and other legal instruments of States with jurisdiction in the study area. Examples are State water and air quality regulations, State historic preservation plans, and State lists of rare, threatened, or endangered species.

(iii) Laws, plans, codes, ordinances, and other legal instruments of regional and local public entities with study area jurisdictions. Regional entities include river basin commissions, councils of government, and regional planning boards. Local entities include counties, districts, parishes, cities, towns, and villages. Examples of sources are regional open space plans, county lists of historic sites, and town zoning ordinances.

(iv) Charters, bylaws, and formal policy statements of nongovernment environmental entities. Examples are the National Audubon Society Blue List of Species, properties of the National Trust for Historic Preservation, and properties of the Nature Conservancy.

(5) Significance based on public recognition means that some segment of the general public recognizes the importance of a resource. Public recognition may take the form of controversy, support, conflict, or opposition and may be expressed formally, as in official letters, informally, or merely implied. Environmental-related customs and traditions of people in the study area are also to be considered. Resources recognized by the public will vary among study areas and often change over time.

(6) Significance based on technical recognition means that the importance of a resource is based on scientific

knowledge of factors critical to its existence. Factors that may be considered include resource scarcity, fragility, resiliency, reproducibility, tolerance, stability, productivity, diversity, and integrity. Technical factors will vary among resources and study areas and may change over time.

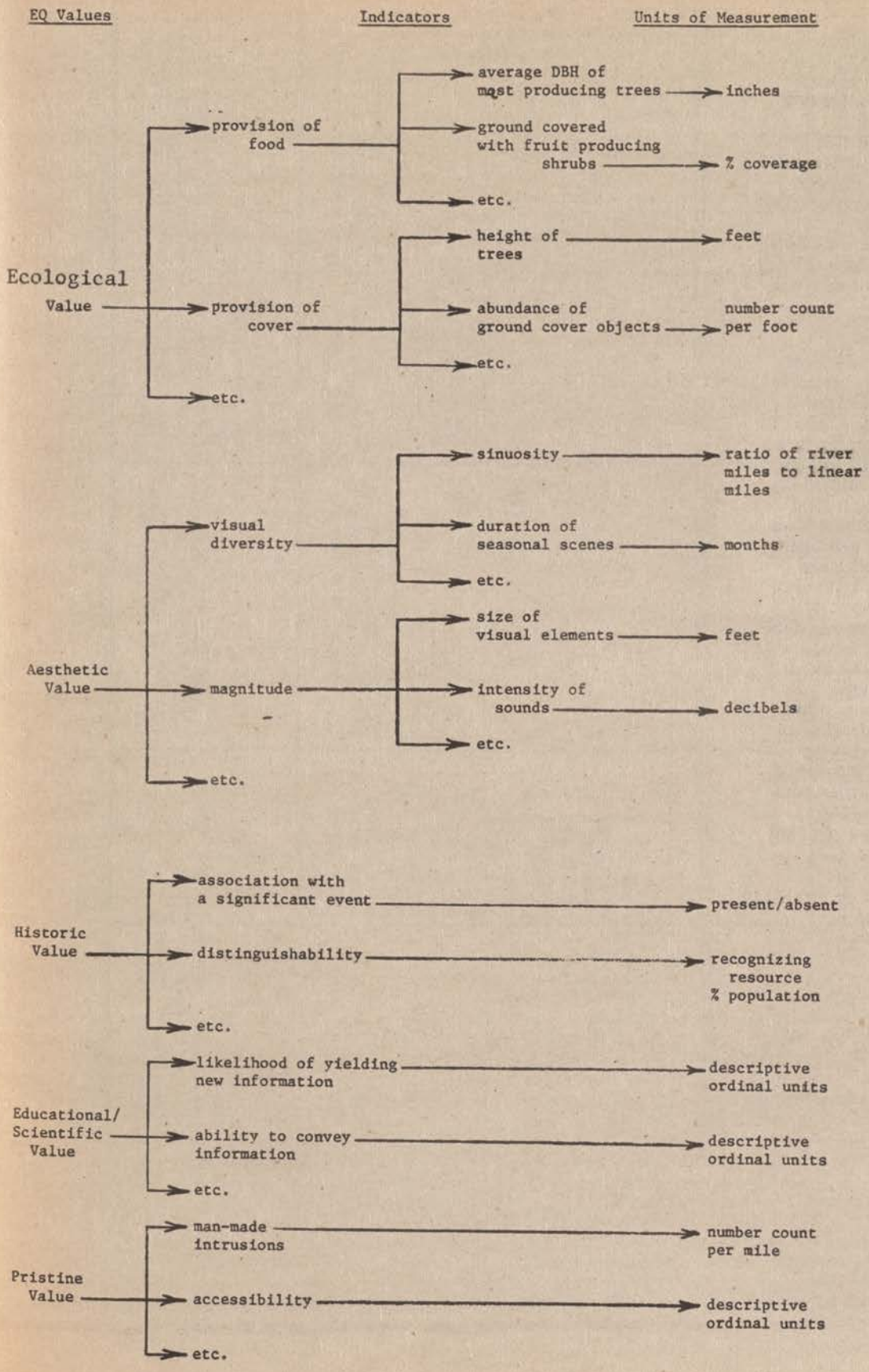
(7) It is the responsibility of the agency (including the lead planning agency), group, or individual that identifies the resource to provide documented evidence that the resource meets the criteria in § 714.410(a)(3). An agency decisionmaker may reject inclusion of a resource if, in his or her judgment, the evidence does not reasonably demonstrate that a resource meets the criteria in § 714.410(a)(3). Reasons for such rejections are to be recorded. Agencies may use other procedures in addition to the scoping process to identify EQ resources, provided that such procedures also produce the required evidence.

(d) *Develop measurement framework.* (1) This activity is performed to identify the specific quantity and quality measurements for each EQ resource identified in the previous activity. Identified measurements will guide data collection in the following phase of EQ evaluation.

(2) The quantity of an EQ resource is to be measured in terms of a physical dimension. For each EQ resource, an indicator, unit of measurement, and guideline are to be selected for quantity measurement. If the amount of a resource is not a relevant measurement, a simple measurement of "presence" may be used. Column 5 of Table 714.410–1 lists the quantity indicators, units, and guidelines to be used for specific types of resources. For other EQ resources, indicators and units are to be selected based on the professional judgment of planners with expertise relevant to each resource, and guidelines are to be derived based on the source of institutional, public, or technical recognition used to justify the resource's significance.

(3) The quality of an EQ resource is to be measured in terms of its ecological, aesthetic, historic, educational/scientific, and pristine values. For each EQ value provided by a resource, one or more indicators are to be selected for measurement or estimation of EQ value changes. For each indicator, a method of measurement and a guideline are to be selected. Indicators and methods of measurement are to be selected based on the professional judgment of planners with expertise relevant to each resource and value. Indicators may provide a direct measure of value or a means of estimating value. For example, the ecological value of an aquatic habitat could be measured directly in terms of habitat units, or its value could be estimated based on the change in pertinent water chemistry parameters. Methods of measurement include but are not limited to habitat-based assessment methodologies for determining ecological values, visual resource rating methodologies for determining aesthetic values, and professional judgment for determining historic, educational/scientific, and pristine values. In selecting guidelines, first preference is to be given to legally established guidelines, such as "minimal accessibility" for a designated scenic river. If there are no legally established guidelines, guidelines for resources or indicators measuring ecological, historic, and educational/scientific values will be based on the professional judgment of planners with expertise relevant to those values; and guidelines for resources or indicators measuring aesthetic and pristine values will be based on public preferences as determined by planners. See Table 714.410–2 for examples of indicators and units for measuring EQ values.

Table 714.410–2 Examples of Indicators and Units of Measurement for EQ Value



Note.—These examples are for illustration purposes only and are not to be interpreted as required or limiting.

(4) Quantity and quality indicators and guidelines are to be identified in accordance with the scoping process required by NEPA regulations (40 CFR 1501.7) using the expertise of cooperating agencies (40 CFR 1501.6) and the preferences of public interests as appropriate. Indicators, units, and guidelines may be changed as necessary for each evaluation situation.

(5) The measurement framework for each EQ evaluation is to be documented in accordance with the format shown in Table 714.410–3.

§ 714.420 Inventory resources.

Inventorying is performed to collect and develop data, within the previously defined resource and measurement limits, for use in assessing the effects of alternative plans on EQ resources. In the first inventorying activity, data for past and existing conditions of identified EQ resources are collected. In the second and third activities, future without-plans and with-plan conditions are estimated. The three inventorying activities are discussed in detail in this section.

(a) *Survey existing conditions.* (1) This activity is performed to collect data that describe the trend and existing conditions of EQ resources. The trend condition is the recorded historic description of a resource. The existing condition is the most recent description of a resource, i.e., as it existed at the latest date of the trend condition. Trend and existing conditions of EQ resources are to be described in terms of the quantity and quality indicators selected in the previous activity.

Table 714.410-3
Format for Measurement Framework

EQ Resource	Quantity/ Quality	Indicators	Units	Guidelines
(list study area EQ resources, as identified in accordance with Section 714.410 (a)).	Quantity	(List a quantity indicator for each EQ resource, as identified in accordance with Section 714.410(b).)	(List a unit of measurement for each quantity indicator, as identified in accordance with Section 714.410 (b).)	(List a guideline for each quantity indicator, as identified in accordance with Section 714. 410(b).)
	Quality (List the EQ values attributed to each listed EQ resource: Ecological, Aesthetic, Historic Educational/ Scientific, Pristine, as identified in accordance with Section 714. 410(a).)	(List one or more quality indicators for each listed EQ value, as identified in accordance with Section 714.410(b).)	(List a unit of measurement for each quality indicator, as identified in accordance with Section 714.410(b).)	List a guideline for each quality indicator, as identified in accordance with Section 714.410(b).)
Example Harrison Farm- "Old Field"	Quantity	Area	Acres	500 acres (preserve existing acreage, or create additional area).
	Ecological Value	Carrying Capacity	Habitat Suitability Index (HSI)	0.7 (preserve existing HSI, or increase it by better management).
	Aesthetic Value	Visual Diversity	0-10 Scale (criteria) for scale	6 (preservation or enhancement visual diversity).
	Historic Value	Sense of Association with signing of 1783 treaty.	Narrative description.	Preservation of existing condition, or restoration of conditions to approach 1783 condition.

(2) The description of trend and existing conditions of EQ resources is to be undertaken in Step 2, Inventory Planning Setting, of the planning process. During early planning, available trend and existing condition data is to be collected for each EQ resource. Predictions about the likely occurrence of other EQ resources should be developed, based on the available data, as a guide to later data collection.

(3) If existing condition data is out of date, invalid, or unavailable, a data collection program is to be developed to provide current data. Data collection programs are to require the use of professionals and expertise relevant to each EQ resource for developing and analyzing data, in accordance with the NEPA regulations' cooperating agencies (40 CFR 1501.6) and scoping (40 CFR 1501.7) requirements. Data collection programs are to be initiated early enough such that required data is available when needed for evaluation. The EQ data base is to be reviewed during each stage of evaluation to progressively focus it at the proper level of detail necessary for evaluation.

(4) Agencies are to insure the professional integrity, including scientific integrity, of the methodologies and analyses used in data collection programs as required by the NEPA regulations (40 CFR 1502.24).

(b) *Forecast without-plans conditions.* (1) This activity is performed to develop data that describe the future conditions of EQ resources in the absence of any of the alternative plans under consideration. Without-plans conditions are to be described for EQ resources in terms of the same quantity and quality indicators used to inventory data on past and existing conditions.

(2) The without-plans condition is an estimation of the most probable future condition of an EQ resource in the absence of any of the study's alternative plans. The without-plans condition includes any changes expected to directly or indirectly result from all reasonably foreseeable actions without any of the study's alternative plans. For example, if it is reasonably certain that within the next 20 years 60 percent of the study area's woodlands will be cleared for agricultural purposes without a Federal plan, the effects of such clearing will be included in the without-plans condition. Or if existing legislation, such as the Clean Water Act, is expected to improve conditions in the study area, such improvements are to be included in the without-plans conditions. A without-plans condition may be expressed in a series of data for several specified future dates, or as a data average over the period of analysis.

(3) Without-plans conditions are to be based on:

(i) Trend and existing conditions data;

(ii) Other available related forecasts (for example, local and use plans, population projections);

(iii) Established institutional objectives and constraints, and customs and traditions related to the resource (for example, State historic preservation plans, management goals for wildlife regfugees, local agricultural practices); and

(iv) The effects of all reasonably foreseeable actions expected to occur in the absence of any of the study's alternative plans (for example, the effects described in other planning reports, Final Environmental Impact Statements, etc.).

(4) Approaches for estimating without-plans conditions will vary by EQ resource; EQ value; study area; availability of expertise, time, and money, and other factors. In addition, individual forecasting approaches are not mutually exclusive and may be used in various combinations to accommodate specific study needs. Therefore, while there is no one approach, or combination of approaches, that can be mandated for all circumstances, several general forecasting approaches should be considered. These include:

(i) Adoption of available forecasts developed by other sources;

(ii) Use of scenarios to describe hypothetical futures and the likely sequences of events that might lead to those futures;

(iii) Use of expert judgment techniques, such as Delphi and nominal group, in which the views of relevant professionals are systematically elicited and analyzed; and,

(iv) Use of extrapolation techniques, such as trend analysis and simple modeling, which rely on historic trend data to describe the future.

(5) EQ forecasts should attempt to cover the entire period of analysis, unless so doing would be unrealistic or unreasonable. If it is not realistic or reasonable to estimate future conditions over the entire period of analysis, planners are to develop a forecast of the longest possible duration and give their reasons for not estimating to the end of the period. Conversely, the period of analysis is not to constrain longer-term forecasts if they can be realistically and reasonably made and if they are needed to describe irreversible or irretrievable commitments of resources, or the relationship of short-term uses of man's environment to long-term productivity.

(c) *Forecast with-plan conditions.* (1) This activity is performed to develop data that describes the future conditions of EQ resources under each of the alternative plans being considered. With-plan conditions are to be described for each alterntive plan in terms of the affected EQ resource, using the same quantity and quality indicators used in the previous activity.

(2) The with-plan condition is an estimation of the most probable future condition of an EQ resource expected to occur as a result of implementation of a specific alternative plan formulated during the study. It is a forecast that starts at the date of plan implementation and ends on the last date of the period of analysis. It includes changes likely to directly or indirectly result both from the plan and from all reasonably foreseeable actions that are not part of the plan.

(3) The bases for estimating with-plan conditions include those used in forecasting without-plans conditions: trend and existing conditions, related forecasts, institutional objectives and constraints, and effects of other actions. In addition, a with-plan condition is to be based on the known effects of comparable past actions on the same or similar resources. (A considerable body of information has been developed on the known effects of existing water resources projects, many of which do not include programs to monitor and record ongoing effects.) Approaches for forecasting with-plan conditions include scenario writing, expert judgment techniques, and comparative analysis.

§ 714.430 Assess effects.

Assessment is performed to identify and describe the effects of alternative plans on EQ resources. In the first activity, the without-plans conditions and with-plan conditions are compared for each resource in terms of the quantity and quality indicators, to identify effects. Where differences are identified, the nature of the difference is described in the next activity. These activies are described in detail in this section.

(a) *Compare without-plans conditions to with-plan conditions.* (1) This activity is performed to identify the effects of alternative plans on EQ resources. It requires a comparison between the without-plans and with-plan conditions for each resource in terms of quantity and quality indicators. An effect is indicated whenever without-plans and with-plan conditions are different.

(2) If two or more quality indicators are forecast for a given EQ resource the without-plans and with-plan conditions must be compared for each indicator to determine whether all forecast estimates show the same type of effect. For

example, if the ecological value of the resource "oak-pine habitat in the Upper Pauleysmum River Basin" is being measured in terms of the indicator "carrying capacity," forecasts for several additional indicators related to "carrying capacity" may have been developed (for example "percent herbaceous ground cover," "relative abundance of fruit-producing understory," "average DBH of mast producing trees," etc., as relative to various species). In this case, the effects on each of the additional indicators must be analyzed to determine how each relates to the main indicator, "carrying capacity," in order to determine the effect in terms of that indicator.

(3) Once an effect is identified, it is to be described in the next activity in EQ evaluation. If no effect is identified (i.e., the without-plans and with-plan conditions for a give EQ resource are equal), the unaffected EQ resource is to be dropped from further analysis, except for EQ resources listed in column 1 of Table 714.410–1, which are to be identified by "no effect" in the display required by § 714.440(a)(4).

(b) *Describe effects.* (1) This activity is performed to describe each effect on an EQ resource identified in the previous activity. The description is to be undertaken in two steps. In the first step, effects are to be described in terms of their location, duration, and magnitude.

(i) Location is the place where an effect is expected to occur. It is to be described in terms of an identifiable geographic location, such as "between river miles 57 and 63." The location of an effect should be described as specifically as possible without revealing the location of sensitive resources such as archaeological sites and endangered species habitats that could be jeopardized by wide distribution of location information.

(ii) Duration is the length of time over which an effect is expected to occur. It is to be described in terms of a duration period beginning at a specific time, such as "20 years beginning in 1990." The duration of most effects will be confined to a span of time within the period of analysis. However, some perpetual effects, such as the loss of a distinctive landform, may exceed the final date of the period of analysis.

(iii) Magnitude is the measurable difference between without-plans and with-plan conditions.

(A) If an EQ resource or indicator is measured in cardinal units (that is, it can be added, subtracted, multiplied, and divided), magnitude is to be expressed as the numeric difference between the without-plans and with-plan conditions. If a measurement unit is based on some other type of scale, such an ordinal scale of "great diversity, moderate diversity, low diversity," magnitude is to be expressed in either a numeric or narrative form suitable for accurately describing the difference.

(B) Magnitude is to be expressed as a series of data over time, such as "−400 acres in 1990, −200 acres in 2000, −150 acres in 2010," or as a datum average over the effect's duration, such as "−175 acres, 1990–2040." The time at which, or the period over which, an identified magnitude is expected to occur will always be noted.

(iv) Other characteristics of effects may be described where their description is relevant and useful to decisionmaking.

(2) In the second step, the significance of each effect is to be determined based on the criteria prescribed in the NEPA regulations (40 CFR 1508.27), which are as follows:

"Significantly as used in NEPA requires considerations of both context and intensity:

"(a) Context. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests and the locality. Significance varies with the setting of the proposed action. For instance, in the case of site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short and long term effects are relevant.

"(b) Intensity. This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of major action. The following should be considered in evaluating intensity:

"(1) Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.

"(2) The degree to which the proposed action affects public health or safety.

"(3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

"(4) The degree to which the effects on the quality of the human environment are likely to be highly controversial.

"(5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

"(6) The degree to which the action may establish a precedent for future actions with significant effects, or represents a decision in principle about a future consideration.

"(7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.

"(8) The degree to which the action may adversely affect districts, sites, buildings, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

"(9) The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

"(10) Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment."

(3) Effects that are determined to be significant, whether beneficial or adverse, are to be appraised in the next phase of EQ evaluation. Effects that are not determined to be significant are to be dropped from further analysis, except that effects on the resources listed in column 1 of Table 714.410–1 are to be appraised in the next phase of EQ evaluation whether or not these effects are determined to be significant.

§ 714.440 Appraise effects.

Appraisal is performed to identify the desirability of significant effects on EQ resources, individually and collectively, for each alternative plan. In the first activity, significant effects are to be appraised as either "beneficial" or "adverse." All significant effects and the resources affected are then to be displayed for each alternative plan. In the next activity, the desirability of each alternative plan's overall net effect on EQ will be appraised. The overall effect of each plan will be judged as "net beneficial," "net adverse," or "no net effect." These appraisal activities are described in this section.

(a) *Appraise significant effects.* (1) This activity is performed to identify the desirability of each alternative plan's individual significant effects on EQ resources. The desirability of effects is to be described as either "beneficial" or "adverse" based on the following definitions:

(i) An effect is beneficial if, for a given EQ resource the withplan condition more closely approaches or attains the guideline than its without-plans condition. Example: the Julian City archaeological site has been identified as an EQ resource with historic value, its quality indicator is "sense of association with a significant event," and its guideline is "preservation of the site's sense of association." If the site's without-plans condition shows that the association would be lost as a result of planned residential development, but its with-plan condition for Plan X shows that the association would be preserved as a result of Federal land acquisition

included in the plan, the effect of Plan X would be classified as beneficial.

(ii) An effect is adverse if, for a given EQ resource the without-plans condition more closely approaches or attains the guideline than its with-plan condition. Example: the Gradey Swamp habitat, with a guideline of "habitat suitability index of 1.0" for its ecological value, is identified as an EQ resource. An adverse effect would occur if the habitat's without-plans condition showed a habitat suitability index of 0.7 and its with-plan condition for Plan X showed a habitat suitability index of 0.5.

(2) The effect on the physical dimension of each EQ resource is to be appraised by comparing the without-plans condition, the with-plan condition, and the guideline.

(3) The effect on the ecological, aesthetic, historic, educational/scientific, and pristine values of each EQ resource is to be appraised by comparing the without-plans condition, with-plan condition, and the guideline for each of the resource's EQ values. In addition, appraisal of an effect on an EQ value of a resource is to include consideration of the effect, if any, on the resource's physical dimension, and the relationship of the physical (quantitative) effect to the EQ value (qualitative) effect. For example, the acreage of a particular habitat may be beneficially increased with an alternative plan, but the habitat's ecological value could be adversely affected by human activities, such as recreation, attracted to the area. But, an improvement in the ecological value of a habitat would not necessarily be benefical unless an adequate amount of habitat would be available. Thus, changes in both quantitative physical dimensions and qualitative values must be considered to fully interpret and appraise effects on EQ values.

(4) Appraised effects are to be displayed in tables developed in accordance with the format illustrated in Table 714.440. A table is to be prepared for each alternative plan. The display will be provided to the agency decisionmaker for judgment of net EQ effects.

(b) *Judge net EQ effects.* (1) This activity is performed to describe the desirability of the overall or net EQ effect of each alternative plan. Net effect is to be described as "net beneficial EQ effect," "net adverse EQ effect," or "no net EQ effect" based on the following definitions:

(i) A net beneficial EQ effect occurs when, in the judgment of the agency decisionmaker, an alternative plan's combined beneficial effects on EQ resources outweigh the plan's combined adverse effects on EQ resources.

(ii) A net adverse EQ effect occurs when, in the judgment of the agency decisionmaker, an alternative plan's combined adverse effects on EQ resources outweigh the plan's combined beneficial effects on EQ resources.

(iii) No net EQ effect occurs when, in the judgment of the agency decisionmaker, an alternative plan's combined beneficial and adverse effects on EQ resources are equal.

Table 714.440.—*Format for Appraisal of Alternative Plans*

SIGNIFICANTLY AFFECTED EQ RESOURCES	QUANTITY EFFECTS		QUALITY EFFECTS									
			Ecological Value		Aesthetic Value		Historic Value		Educational/Scientific Value		Pristine Value	
	Assessment	Appraisal	Assessment	Appraisal	Assessment	Appraisal	Assessment	Appraisal	Assessment	Appraisal	Assessment	Appraisal
(List each significantly affected EQ resource, as identified in accordance with Section 714.430(b).).	(Describe the location, duration, magnitude, and reasons for significance of each effect on the quantity of each listed EQ resource, as identified in accordance with Section 714.430(b).).	(State whether each effect on the quantity of each listed EQ resource is beneficial or adverse and the reason(s) that supports the stated appraisal, as identified in accordance with Section 714.440(a).).	(Describe the location, duration, magnitude and reasons for significance of each change in the ecological value of each listed EQ resource, as identified in accordance with Section 714.440(a).).	(State whether each change in the ecological value of each listed EQ resource is beneficial or adverse and the reason(s) that supports the stated appraisal, as identified in accordance with Section 714.440(a).).	(Same as for ecological value.)	(Same as for ecological value.)	(Same as for ecological value.)	(Same as for ecological value.)	(Same as for ecological value.)	(Same as for ecological value.).	(Same as for ecological value.)	(Same as for ecological value.)
Example ..... Harrisoni Farm old field.	-400 acres in NW quadrant during reservoir filling (1990); significant based on cumulative effect.	adverse; failure to preserve existing acreage.	-750 habitat units annually over the period of analysis (1990–2040) in NW quadrant; significant based on cumulative effect.	adverse; failure to preserve or enhance existing carrying capacity.	+3 visual diversity units in NW quadrant over the period of analysis (1990–2040); significant based on proximity to State Park.	beneficial; visual diversity improved.	loss of association with Treaty signing at signing site over the period of analysis (1990–2040); significant based on NRHP designation of site.	adverse; sense of association with Treaty signing event destroyed.	not applicable.	not applicable.	not applicable.	not applicable.

(2) The agency decisionmaker is responsible for judging which of these types of net EQ effects best reflects the desirability of an alternative plan's overall effect on environmental quality. This judgment is to be based on a thorough consideration of all significant effects on EQ resources. In making a judgment on the EQ effect, the agency decisionmaker is acting on behalf of the public and must therefore consider public views related to the judgment. The decisionmaker may change a judgment on the net EQ effect of an alternative plan based on a reevaluation of existing information, or whenever relevant new information is brought to his or her attention. Reasons for the change are to be properly documented.

(3) Planners are to assist agency decisionmakers by presenting information bearing on the judgment of net EQ effect in a manner that aids the judgment process. As a minimum, the tables used to document the Appraise Significant Effects activity, as illustrated in Table 714.440, are to be provided to the decisionmaker prior to judgments on net EQ effect.

(4) The net EQ effect of each alternative plan is to be expressed in a clear and complete narrative statement that identifies the type of net EQ effect expected and, as specifically as practicable, the reasons that provided the basis for the judgment.

5. By adding a new Part 716 to read as follows:

PART 716—PROCEDURES FOR EVALUATION OF OTHER SOCIAL EFFECTS (OSE) IN WATER RESOURCES PLANNING (LEVEL C)

Subpart A—Purpose

Sec.

716.1 Authority and relationship to the principles and standards.
716.3 Agency activities covered by the Manual.
716.5 Responsibility for application of the Manual.
716.7 Schedule for application of the Manual.
716.9 Modification of the Manual.

Subpart B-D—(Reserved).

Subpart E—OSE Evaluation Procedures: Dam Failure

716.301 Introduction.
716.303 Conceptual basis.
716.305 Planning setting.
716.307 Evaluation procedures.
716.309 Report and display procedures.

Authority: 42 U.S.C. 1962d-1.

Supart A—Purpose

§ 716.1 Authority and relationship to the principles and standards.

On July 12, 1978, President Carter directed the Water Resources Council (WRC) and its Member agencies to "carry out a thorough evaluation of current agency practices for making benefit and cost calculations" and "publish a planning manual that will ensure that benefits and cost are estimated using the best current techniques and calculated accurately, consistently and in compliance with the Principles and Standards and other applicable economic evaluation requirements." This Part of the procedures is specifically intended to supplement and implement the Standards for the evaluation and display of Other Social Effects (OSE) in water resources planning (Level C) established by the Water Resources Council pursuant to Section 103 of the Water Resources Planning Act (Pub. L. 89-80; 42 U.S.C. 1962a-2).

§ 716.3 Agency activities covered by the manual.

(a) These procedures shall be used for the evaluation and display of Other Social Effects of Federal and federally-assisted water resources projects covered in § 711.4 of the Principles and Standards for Planning Water and Related Land Resources. The procedures apply to all Level C (project) planning subject to the Principles and Standards, including (1) projects that may be approved by agency administrators, (2) projects requiring congressional authorization, and (3) authorized projects or separable features of authorized projects not yet under construction for which agencies currently prepare postauthorization planning documents. For the purposes of these procedures a project shall be considered "under construction" when funds have been appropriated by the Congress or budgeted by the President for land acquisition or physical construction activity. Projects for which postauthorization planning documents are not required shall be considered under construction when authorized for construction.

(b) The Secretaries of Departments shall retain the discretion to review those projects not under construction and may, under their discretionary authority, wholly exempt a project from complying with these procedures or partially exempt a project and direct expedited additional planning to meet specific procedures. This discretionary authority applies to those projects not yet authorized for which preauthorization planning is now complete or will be completed by the end of fiscal year 1981 and to those authorized projects requiring postauthorization planning if such planning is now complete or will be complete by the end of fiscal year 1981. For purposes of applying this Manual, preauthorization or postauthorization planning shall be considered complete when the appropriate planning documents have been approved by the responsible agency's field office. Secretarial authority to exempt projects from the procedures of this Manual is provided to prevent undue loss of time or expenditure of public funds in those cases in which the Secretary judges additional planning to be unnecessary. This discretionary authority may not be exercised after July 31, 1982.

(c) Authorized projects exempted from complying with the Principles and Standards are also exempted from complying with these procedures.

§ 716.5 Responsibility for application of the manual.

The administrator of each covered Federal or federally-assisted program is responsible for applying these procedures.

§ 716.7 Schedule for application of the manual.

The responsible agency administrators shall adopt these procedures within 30 days after the date of publication as final rules in the **Federal Register.**

§ 716.9 Modification of the manual.

The Water Resources Council will revise these procedures periodically as experience, research, and planning conditions dictate.

Subparts B-D (Reserved)

Subpart E—OSE Evaluation Procedures: Dam Failure

§ 716.301 Introduction.

This chapter presents the procedure to be followed for measuring and displaying the potential adverse contributions to Other Social Effects (OSE) associated with the possible failure of dams.

§ 716.303 Conceptual basis.

(a) *General.* The *Federal Guidelines for Dam Safety* prepared by the Ad Hoc Interagency Committee on Dam Safety of the Federal Coordinating Council for Science, Engineering and Technology, June 25, 1979, should minimize the risk of future dam failures, but the possibility of dam failure still exists. Current economic analyses of alternative water

resource plans do not explicitly reflect the expected social costs associated with low-probability disasters resulting from stuctural failures. The state-of-the-art of risk-based analysis does not permit precise specification of the probability of failure of individual structures. Nevertheless, potential losses can be used in the evaluation of alternative plans and in the assessment of additional safety features incorporated into dam facilities.

(b) *Types of adverse effects.* The adverse effects of dam failure include physical damage or loss; income loss; emergency costs; loss of future benefits; and loss of life, health, and safety. Each activity affected by a dam failure experiences losses in one or more of these categories. See Section 713.503 for a description of physical damages, income losses, and emergency costs.

(c) *Definition of dam or project.* As used in this section a dam or project is an artificial barrier, including appurtenant works, that impounds or diverts water and that: (1) is 25 feet or more in height from the natural bed of the stream or watercourse measured at the downstream toe of the barrier or from the lowest elevation of the outside limit of the barrier if it is not across a stream, channel, or watercourse, to the maximum water storage elevation; or (2) has an impounding capacity at maximum water storage elevation of 50 acre feet or more. These procedures do not apply to any barrier 6 feet or less in height, regardless of storage capacity, or regardless of height, to barriers with an impounding capacity at maximum water storage elevation of 15 acre feet or less. These lower size limitations should be waived if a potentially significant downstream hazard exists.

(d) The procedures apply to both dams with permanent reservoirs and detention dams used for temporary storage of floodwaters. The impounding capacity at maximum water storage elevation includes storage of floodwaters above the normal full storage elevation.

§ 716.305 Planning setting.

(a) *General.* The estimation of adverse effects that would be incurred in the event of failure of a dam shall be based on a careful analysis of the with- and without-failure conditions.

(b) *Without-failure condition.* The without-failure condition is the land use and related conditions likely to occur in the absence of dam failure. The without-failure condition corresponds closely to the condition expected to exist in the future with a given alternative plan that includes the dam being analyzed.

(c) *With-failure condition.* The with-failure condition is the most likely condition expected to exist in the future with a given dam failure. Dam failure is defined as a catastrophic failure characterized by the sudden, rapid, and uncontrolled release of impounded water. It is recognized that there can be lesser degrees of failure and that any malfunction or abnormality outside the design assumptions and parameters that adversely affect a dam's primary function of impounding water is properly considered a failure. Such lesser degrees of failure can lead to or heighten the risk of a catastrophic failure, but are normally amenable to corrective action.

§ 716.307 Evaluation procedures.

Four steps shall be completed in estimating and displaying the potential adverse effects of dam failure. The steps are designed primarily to relate land use to the hazard from an OSE perspective. The level of effort expended on each step depends on the sensitivity of alternative plan formulation to further refinement. Emphasis should be on evaluating the overall reasonableness of local land use plans (a) with respect to OBERS and other larger area data, and (b) in recognition of the hazard of dam failure.

(a) *Step 1—Delineate affected area.* The area affected consists of all areas likely to be inundated with floodwaters or affected indirectly as a result of dam failure. Maps delineating the affected area and indicating land uses and significant development or improvements shall be prepared. To assist in the evaluation of hazard potential, areas delineated on inundation maps shall be classified according to the degree of occupancy and potential for hazard.

(1) The *primary impact area* is the area in the direct path of the initial wave from the dam breach. This area is comparable in concept to the "floodway" recognized in the regulations of the National Flood Insurance Program.

(2) The secondary impact area is the area expected to be flooded primarily by rising water, where less serious damage is expected. This area is comparable in concept to the "flood fringe" recognized in the regulations of the National Flood Insurance Program.

(b) *Step 2—Determine characteristics of affected areas.* The existing and projected characteristics of the affected area shall be described. The categories of characteristics used to determine benefits from reduction of urban and rural flood damages (Sections 713.511 and 713.207 through 713.219) shall be used as a guide.

(c) *Step 3—Project activities and land use in affected areas.* The projections of activities and land use shall be consistent with the projections used to estimate benefits for the dam or project. The analyst must recognize that the areas subject to flooding in the event of dam failure are likely to be larger than those subject to recurring flooding.

(d) *Step 4—Collect land market value and related data.* The land market value and related data utilized for the affected areas shall be consistent with the data used to estimate benefits for the alternative plan containing the dam. The procedures in Section 713.525 shall be used as a guide.

§ 716.309 Report and display procedures.

The report shall include enough data to enable the reviewer to follow the key steps in the analysis.

(a) *Report procedures for risk and uncertainty.* To assist reviewers in assessing their own response to risk, the following shall be displayed.

(1) The inundation map for the flood event resulting from dam failure, including the delineation of the primary and secondary impact areas.

(2) The number of people and towns affected; the number and value of structures and acres by land-use type; description of essential services (water, power, fire protection, and sanitary services, etc.) and distance to unaffected essential services; anticipated warning time; and flood depths, velocity, duration, debris content, etc., and other indicators pertinent to catastrophic flooding.

(b) *Summary tables.* Summary Tables 716.309–1 and 716.309–2 are suggested presentations for all reports that include a dam as a measure of achieving benefits. Other summary tables may be necessary and pertinent. Other data pertinent to the evaluation shall also be presented and appropriately displayed.

Table 716.309–1.—*Number of Persons Subject to Hazards*

	Number—Time period*						
	P0	P10	P20	P30	P40	P50	P100
Primary Impact Area							
Secondary Impact Area							
Total							

* The designation P10 and P20 identify the tenth and twentieth year, respectively, of project life.

Table 716.309-2.—*Number of Acres (or Structures) Subject to Inundation*[a]

	Acres—Time period[b]						
	P0	P10	P20	P30	P40	P50	P100
PROPERTY TYPE							
Residential:							
a. (Subclassification of residential units)							
b.							
c.							
Commercial:							
Industrial:							
Agricultural:							
a. (Subclassification of agricultural uses)							
b.							
c.							
Semipublic:							
Transporation:							

[a] Tables should be displayed for the primary and secondary impact areas. Similar tables reflecting the value of these properties should also be displayed.

[b] The designations P10 and P20 identify the tenth and twentieth year respectively, of project life.

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Monday
April 14, 1980

Part III

Department of Transportation

Federal Aviation Administration

Proposed Amendment To Ensure Compliance With EPA Smoke Emission Standards for In-Use JT3D Engines and Proposed Requirements for Compliance With Noise Limits for Certain Turbojet Airplanes Engaged in Domestic or Foreign Air Commerce in the United States

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Chapter I

[Docket No. 20250; Notice No. 80-6]

SFAR 27—Fuel Venting and Exhaust Emission Requirements for Turbine Engine Powered Airplanes; Proposed Amendment to Ensure Compliance with EPA Smoke Emissions Standards for In-Use JT3D Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes amendments to the FAA airplane emissions rules to ensure compliance with the aircraft and aircraft engine emission (smoke) standards for in-use JT3D engines in accordance with the compliance schedule established on October 16, 1979, by the U.S. Environmental Protection Agency (EPA) under 40 CFR Part 87 (44 FR 64266; November 6, 1979). This proposal reflects the EPA's extension of compliance deadlines to be more compatible with the FAA's aircraft operating noise limits rule applicable to U.S. aircraft using the JT3D engines (14 CFR Part 91, Subpart E). It would require timely modification of in-use JT3D engines manufactured before January 1, 1978, in accordance with a phase compliance schedule (intermediate compliance dates of January 1, 1981, and January 1, 1983) with full compliance beginning January 1, 1985. JT3D engines manufactured on or after January 1, 1978, are already required by EPA to meet those engine emission standards. This FAA rulemaking action is required by Section 232 of the Clean Air Act, as amended in 1970 by Pub. L. 91-604 (42 U.S.C. 1857 f10). Elsewhere in today's **Federal Register**, the FAA is proposing amendments to its operating noise limits rule that would also affect the operation of airplanes powered by JT3D engines, as well as other airplanes.

DATES: Comments must be received on or before June 28, 1980. Final compliance date for the EPA regulation being implemented is January 1, 1985, with intermediate phased compliance dates of January 1, 1981, and January 1, 1983.

ADDRESS: Send comments on the proposal in duplicate to:

Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-24), Docket No. 20250, 800 Independence Avenue SW., Washington, D.C. 20591;

Or deliver comments in duplicate to:

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

Comments may be examined in the Rules Docket daily between 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT:

Emanuel M. Ballenzweig, Air Quality Division (AEE-300), Office of Environment and Energy, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone (202) 755-8933.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. However, reflecting the division of regulatory responsibility between EPA (under section 231 of the Clean Air Act, as amended, 42 U.S.C. 1857 f-9) and the Secretary of Transportation (under section 232 of that Act, 42 U.S.C. 1857 f-10), comments are not requested concerning the substance or the compliance dates of the already final requirements of EPA's Part 87 that are incorporated in the FAA proposal. Since those comments would involve EPA's regulatory authority, including grants of exemption, they should be submitted directly to the EPA, although the FAA would appreciate that information copies of any of those comments be sent to the FAA Rules Docket. Comments that do not involve either the substance or the compliance date of the provisions of EPA's Part 87 that are incorporated in this notice should identify the FAA regulatory docket or notice number and be submitted in duplicate to the address for comments indicated above. Timely comments will be considered by the FAA Administrator before taking action on the proposed rules. The proposals contained in this notice (other than the incorporated provisions of EPA's Part 87) may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. —— ." The postcard will be date/time stamped and returned to the commenter.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center (APA-430), 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

Background History

Under section 232 of the Clean Air Amendments of 1970, Pub. L. 91-604, the FAA has a duty to issue regulations to ensure compliance with all aircraft emission standards promulgated under section 231 of the Act, which are currently prescribed in EPA Regulations (40 CFR Part 76) originally issued on July 6, 1973, and published in the **Federal Register** (38 FR 19088) on July 17, 1973.

Accordingly, on December 26, 1973, the FAA issued Special Federal Aviation Regulation (SFAR) 27, published in the **Federal Register** (38 FR 35437) on December 28, 1973. The purpose of SFAR 27 is to ensure compliance with aircraft and aircraft engine emission standards and related test procedures issued by the EPA under 40 CFR Part 87.

The SFAR, as originally issued ensured compliance with only those standards and procedures in EPA Part 87 that were effective beginning February 1, 1974. On December 23, 1974, the FAA issued an amendment to SFAR 27 (Amdt. SFAR 27-1, published December 30, 1974, 39 FR 45008) to ensure compliance with the fuel venting emission standards in EPA Part 87 that were effective beginning January 1, 1975. A second amendment to SFAR 27 was issued on November 23, 1975 (Amdt. SFAR 27-2, published November 28, 1975, 40 FR 55311) to ensure compliance with smoke emission standards in EPA's Part 87 applicable to new and in-use aircraft turbofan or turbojet engines designed for subsonic airplanes that have a rated power of 29,000 pounds thrust or greater, effective January 1, 1976. A third amendment was issued on December 21, 1977 (Amdt. SFAR 27-3, published December 29, 1977, 42 FR 64876) to ensure compliance of JT3D engines manufactured on and after January 1, 1978, with smoke emission standards in EPA's Part 87.

The Proposal

The FAA proposes to amend SFAR–27 pursuant to the Clean Air Amendments of 1970, to require compliance with the EPA's Part 87 exhaust emission (smoke) requirements that apply to in-use JT3D engines on the prescribed phased compliance schedule. That rule is contained in § 87.31(c) of Part 87 (40 CFR 87.31(c)). It provides that the exhaust emission of each in-use Class T3 engine, specified under § 87.1(a) as gas turbine engines of the JT3D Model family, may not exceed a smoke number of 25, when measured in accordance with the related test procedures under EPA's Part 87. To meet these smoke requirements for Class T3 engines would require a retrofit of the combustor in JT3D engines manufactured before January 1, 1978. Those manufactured on or after that date must already comply.

That provision of EPA's Part 87 affecting in-use JT3D engines was originally scheduled to take effect January 1, 1978, but as a result of a petition from the Air Transport Association of America (ATA), the compliance schedule was relaxed to permit phased compliance with full compliance by September 1, 1981 (43 FR 54861; December 15, 1976). In response to an FAA suggestion, the EPA subsequently proposed to further amend the compliance schedule to coincide with 14 CFR 91.305, the FAA's phased schedule for noise compliance by JT3D-powered airplanes operated under FAR Parts 121 and 135 which are not flown in foreign commerce (43 FR 12815; March 24, 1978). It should be noted that EPA's Part 87 applies to civil JT3D-powered airplanes that have a U.S. standard airworthiness certificate (or foreign equivalent) and operate in the United States. It, therefore, covers some airplanes not currently covered by FAR Part 91, Subpart E, including those airplanes operated exclusively under FAR Part 91, those operated in foreign air commerce in the United States, as well as those operated under FAR Parts 121, 123, and 135. The compliance schedule prescribed under 40 CFR 87.31(c) is as follows:

"(c) Exhaust emissions of smoke from each in-use aircraft gas turbine engine of Class T3 shall not exceed a smoke number of 25. Each operator shall achieve compliance in accordance with the following schedule:

(1) One-quarter of its operational Class T3 engines by January 1, 1981.

(2) One-half of its operational Class T3 engines by January 1, 1983.

(3) All of its operational Class T3 engines by January 1, 1985.

This compliance schedule notwithstanding, Class T3 engines which do not meet a smoke number of 25 may continue to be operated if, under an FAA approved plan, replacement engines or replacement airplanes have been ordered and are scheduled for delivery prior to January 1, 1985, but not after the dates specified on the plan. For the purpose of this paragraph, replacement engines are engines of a class different from Class T3 and have been shown to meet the smoke emission standards in this part appropriate to their class."

Operational Engines

Though the term "operational engines" is not defined in 40 CFR Part 87, the above quote from § 87.31(c) indicates that operational Class T3 engines are a subset of the in-use aircraft gas turbine engines of Class T3. (The term "in-use aircraft gas turbine engine" is defined in Part 87 as an aircraft gas turbine engine which is in service.) For purposes of enforcement, "operational Class T3 engines" include only those engines that an operator has installed on airplanes that operate in the United States. Therefore, spare engines will not be monitored, though they will have to come into compliance at about the same rate as operational engines in order to keep an operator's airplane fleet in compliance when operational engines need to be removed. EPA indicates that this enforcement approach is consistent with 40 CFR Part 87.

Replacement Airplanes

EPA has defined the term "replacement engines" in § 87.31(c) where the term "replacement airplane" was introduced, but not defined because the EPA assumed that an analogous definition was implied. for purposes of enforcement, a "replacement airplane" is an airplane powered by engines other than Class T3 that meet applicable smoke emission requirements. The EPA has indicated that this approach is consistent with 40 CFR Part 87, as interpreted by the EPA.

Achieving Compliance

Pratt and Whitney Service Bulletin No. 4694 describes the methods and parts for modification of in-use JT3D engines to provide a burner configuration that results in smoke density levels consistent with the EPA maximum limit. The burner retrofit configuration in this referenced Service Bulletin (described, also, in the FAA-approved Engineering Change 284890) has been installed in a JT3D–7 engine and demonstrated to produce maximum smoke numbers well below the standard of 25 during separate test runs. In addition, this modification has undergone several thousand cycles of engine testing, several airline tests and more than 150,000 hours of service tests. Based on these tests, the burner retrofit configuration described in Service Bulletin 4694 is considered to be in conformance with the EPA standards. Therefore, and the EPA agrees, modification of a JT3D engine in accordance with the above Service Bulletin will be satisfactory evidence of compliance with 40 CFR Part 87, if that engine is properly maintained.

Thus, in a fashion similar to that used in SFAR 27 to ensure compliance of in-use JT8D engines, this notice proposes to incorporate by reference the P & W Service Bulletin No. 4694 in § 14 of the SFAR. The Service Bulletin is available for examination in the FAA Rules Docket, AGC–24, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591, or may be obtained from Pratt and Whitney Aircraft Division of United Technologies Corporation, 400 Main Street, East Hartford, Connecticut 06108. In addition, to ensure that the incorporated materials are reasonably available to interested persons, if the rule is adopted, it will also be available at the locations listed in a proposed new § 10(e). The incorporation by reference will be submitted for approval of the Director of the Federal Register pursuant to 1 CFR Part 51 before issuing a final rule based on this notice. It should be noted that incorporated documents merely describe an acceptable means of compliance for an in-use JT3D engine to achieve the EPA smoke standards and that any other means consistent with § 11 of the SFAR that is demonstrated to limit engine emissions below smoke number 25 under the precribed test procedures of EPA's part 87 will be accepted as complying with the provisions of § 87.31(c) that are incorporated in this proposed amendment to SFAR 27.

Pratt and Whitney Service Bulletin No. 2417 which has been incorporated by reference in SFAR 27, has been cancelled by Pratt and Whitney and has been incorporated in parts catalogs. Since retrofit in accordance with Pratt and Whitney Service Bulletin No. 2531 is sufficient to meet JT8D smoke requirements without reference to Service Bulletin 2417 or Engineering Change 197707 (which provided the details needed for conducting a service evaluation of the smoke reduction chamber configuration for JT8D engines), it is proposed that the incorporation by reference of Pratt and Whitney Service Bulletin 2417 and Pratt and Whitney Engineering Change 197707 be deleted from SFAR 27.

Replacement Plans

Final compliance requirements are applicable to an operator's JT3D engines

which are operational in the United States after December 31, 1984; the interim dates in the phased compliance schedule will not be applicable to those JT3D engines an operator schedules for replacement under an FAA-approved plan as such engines may continue to be operated up to January 1, 1985, or an earlier date specified in the approved plan. Thus, if an operator elects to provide the FAA a plan under which replacement engines (engines of a class different than Class T3 that have been shown to meet EPA smoke emission requirements) or replacement airplanes (airplanes powered by engines of a class different that Class T3 that meet applicable EPA smoke emission requirements) are scheduled for delivery prior to January 1, 1985; these engines and airplanes would be relieved from the requirements of the phased compliance schedule for Class T3 engines, until January 1, 1985, or an earlier date specified in the plan. Note, that those approved replacement plans may be a compliance strategy for smoke emissions even though the FAA's operating noise limits rule does not require compliance before 1985 for Part 91 operators and, as proposed, for operators engaged in foreign air commerce in the United States.

Under the proposal, any replacement plan for engine emissions purposes should be submitted to FAA's Office of Environment and Energy and should, at a minimum, include the operator's name and address, the name, address and phone number of the person submitting the plan, the operator's current and projected inventory of JT3D engines (by serial number) and JT3D-powered airplanes (by aircraft registration number and airplane serial number) covered by this SFAR, plus the verifiable schedule for replacement of those engines and airplanes. Applicants would certify that the plan is true and complete.

The approval process for a replacement plan will consider whether the plan would provide similar benefits to the phased emission reduction that would be achieved through a phased retrofit program. Thus, a plan submitted by an operator with a large JT3D-powered fleet would be unacceptable if it delayed replacement of a substantial portion of its fleet until December 31, 1984, and did not provide a compelling reason for such an inordinate delay. In considering approval of replacement plans for those operators required to prepare compliance plans for noise (under 14 CFR 91.308) or replacement plans for noise (under 14 CFR 91.305), the approval process for replacement plans for emmissions will compare the various plans for consistency and differences. While some differences would be expected since the objectives are not the same, each operator's fleet projections and compliance strategy should be traceable among the various plans the operator submits.

Compliance Schedule (Interim Compliance Dates)

The proportions prescribed by the EPA in 40 CFR 87.31(c) for the interim compliance dates of January 1, 1981, and January 1, 1983, apply to the total number of operational engines of Class T3, owned or controlled by each operator on those dates, that are not scheduled for replacement before January 1, 1985, in accordance with an FAA-approved replacement plan. EPA agrees that the proportions in § 87.31(c) apply to the total number of operational engines of Class T3 owned or controlled by each operator, and do not apply to each individual JT3D-powered airplane operated by each operator. Therefore, the portion of each operator's fleet subject to compliance with the smoke standards for in-use Class T3 engines include the total number of Class T3-powered airplanes in the operator's fleet on each interim compliance date less those Class T3-powered airplanes in the operator's fleet that are scheduled for replacement in accordance with an approved replacement plan. The following examples are provided to illustrate application of the rule: (1) An operator with four JT3D-powered airplanes engaged in U.S. operations on January 1, 1981, (sixteen operational engines) and no approved replacement plan, is required to have four of those operational engines in compliance with the smoke standards in order for the required one-fourth of the operational engines to be in compliance. Since this emissions requirement is not airplane specific, the distribution of the complying engines among his fleet of JT3D-powered airplanes is inconsequential; i.e., at one extreme there may be four complying engines on one airplane with no complying engines on the other three, and at the other extreme there may be one complying engine on each airplane. On January 1, 1983, if the size of the operator's JT3D-powered fleet is unchanged, eight operational engines (four additional) must be in compliance in order to bring the required one-half of the operator's operational engines of Class T3 into compliance. (2) An operator with eight JT3D-powered airplanes engaged in U.S. operations (32 operational engines) on January 1, 1981, and no approved replacement plan is required to have eight of those operational engines in compliance by that interim date in order to have one-fourth of those operational engines in compliance. If the operator sells four of those airplanes by January 1, 1983, with non-complying engines (or puts those four airplanes on routes that do not serve United States airports, the operator's remaining JT3D-powered fleet of four airplanes (16 operational engines) would be in compliance by that interim date without any further retrofit since the eight engines that remain in compliance constitute one-half of those operational engines. (3) An operator with eight JT3D-powered airplanes (32 operational engines) and an approved replacement plan which includes replacement of four airplanes (16 operational engines) by January 1, 1985, is required to have four engines in compliance by the interim date of January 1, 1981, and eight by the interim compliance date of January 1, 1983, providing there are no changes made to the JT3D-powered fleet during the interim years that are not covered by the FAA-approved plan (e.g., purchases or sales of JT3D-powered airplanes, changes to operations specifications, failure to meet the dates specified in the approved plan, etc.). These examples illustrate compliance only with the EPA's smoke emission standards. Operators must also achieve compliance with the operating noise limits rule under Part 91 Subpart E (including the amendments proposed elsewhere in today's **Federal Register** extending that rule to airplanes engaged in foreign air commerce in the United States) which requires individual airplanes in the fleet to be shown to comply. Thus, compliance with the smoke emission rule does not ensure compliance with the applicable operating noise limit rule for that airplane. Both rules must be satisfied separately. For example, for some airplanes not retrofitted for smoke, an approved replacement plan or EPA exemption may be necessary to postpone complying with the 1981 and 1983 interim dates under EPA's smoke emission rule even though the current or proposed FAA noise rule does not require compliance until 1985 for that airplane. Operators should review their compliance options for both noise and smoke to ensure timely compliance with each.

As indicated in SFAR 27 § 9(a), the FAA cannot grant a variance from the prescribed schedule established by EPA. Since changes to the compliance schedule are not possible as a result of this rulemaking action, operators are reminded that they should take the necessary actions to meet the phased

compliance schedule. On January 8, 1980, Pratt and Whitney announced that they had in stock sets of retrofit parts for 40 engines and that there is a 16 month lead time for additional sets of this hardware. Retrofit or replacement actions cannot be delayed until this rulemaking is finalized, if the schedule is to be met.

Field examinations, operations specifications, airplane flight manuals, noise compliance plans, and similar documentation will be among the tools used by the FAA in determining whether operators meet the compliance schedule.

Certification and Engine Approval Actions

This notice proposes amendments to §§ 15, 17, 19, and 21 of SFAR 27 to reflect the EPA requirements applicable to in-use JT3D engines. Since the EPA amendment to § 87.31(c) concerning in-use JT3D engines affects the continued operation of airplanes powered by JT3D engines, it raises questions concerning the need and the appropriateness of including references to in-use JT3D engines in the certificate actions covered by §§ 15, 17, and 21 and the approval actions in § 19. After reviewing these current provisions in light of the EPA amendment, the FAA feels it would be misleading to issue certificates or make approvals after the final compliance date for engines that cannot legally be operated in the United States. This proposal is consistent with the treatment given Class T2 and T4 engines and T3 engines manufactured on and after January 1, 1978. However, since operation of non-complying, in-use JT3D engines manufactured before January 1, 1978, is not completely prohibited until January 1, 1985, the proposal uses that date as the cutoff date for further certificate and approval action, regardless of the date of application. Since the 1981 and 1983 interim phased compliance dates for in-use JT3D engines do not apply to certificate and approval actions for JT3D engines manufactured on and after January 1, 1978, any date prior to January 1, 1985, (the final compliance date in EPA's Part 87 that applies to all JT3D engines) would be more stringent than the EPA rule. Comments are specifically invited on the need and appropriateness of covering these actions in the proposed amendment, and on the proposed cut-off date for further certification and approval actions.

As each Class T3 engine is modified to meet the smoke standards, the model designator on the engine identification plate must be modified in accordance with Pratt & Whitney Service Bulletin 4694 in order to comply with § 19(b) of SFAR 27.

Operation

This notice proposes to amend § 25 to indicate that EPA's Part 87 phased compliance schedule for in-use JT3D-powered airplanes operated in the United States will be enforced by FAA.

Codification

Consideration is being given to codifying permanently the FAA airplane emissions regulations (SFAR 27) under Title 14 of the Code of Federal Regulations (CFR). There are several options being considered, including (1) Redistributing the provisions of SFAR 27 among the various parts of the code as appropriate, e.g., Part 21, Part 33, Part 45, Part 91, etc., and (2) continuing to provide a single code unit for engine emissions by establishing a new Part in Title 14, e.g., Part 34, with references to other affected parts. Comments are invited on the desirability of permanent codification and the appropriate option to follow in this eventual codification.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Special Federal Aviation Regulation (SFAR) 27 as follows:

1. By adding a new § 10 to read as follows:

§ 10 Incorporation by reference.

(a) *General.* This SFAR prescribes certain standards and procedures which are not set forth in full text in the rule. Those standards and procedures are contained in published material which is reasonably available to the class of persons affected and has been approved for incorporation by reference by the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR Part 51.

(b) *Incorporated matter.* (1) Each publication, or part of a publication, which is referenced but not set forth in full-text in this SFAR and which is identified in paragraph (c) of this section is hereby incorporated by reference and made a part of SFAR 27 with the approval of the Director of the Federal Register.

(2) Incorporated matter which is subject to subsequent change is incorporated by reference according to the specific reference and to the identification statement. Adoption of any subsequent change in incorporated matter that impacts compliance with standards and procedures is made under Part 11 of 14 CFR Chapter I and 1 CFR Part 51.

(c) *Identification statement.* The complete title or description which identifies each published matter incorporated by reference in this SFAR is as follows:

(1) Pratt and Whitney Service Bulletin 2531, Revision No. 10, dated December 28, 1972: Containing instructions on incorporation of a combustion chamber assembly configuration for JT8D engines which reduce visible smoke emissions.

(2) Pratt and Whitney Service Bulletin 4694, Revision No. 2, dated May 22, 1979: Containing instructions, parts list, and manpower requirements for providing a burner configuration for JT3D engines that reduces smoke density levels to meet EPA standards, and containing new model designations for complying engines.

(d) *Availability for distribution.* Operators affected by portions of this SFAR concerning in-use Class T3 and Class T4 engines normally receive the referenced documents from the manufacturer, Pratt and Whitney Aircraft when issued. Copies of Service Bulletins may be obtained (without cost) upon request to Pratt and Whitney Aircraft, Division of United Technologies Corporation, 400 Main Street, East Hartford, Connecticut 06108.

(e) *Availability for inspection.* A copy of each publication incorporated by reference in this SFAR is available for public inspection at the following locations:

(1) FAA office of the Chief Counsel, Rules Docket, Room 916, Federal Aviation Administration Headquarters Building, 800 Independence Avenue, SW., Washington, D.C.

(2) Department of Transportation, Branch Library, Room 930, Federal Aviation Administration Headquarters Building, 800 Independence Avenue, SW., Washington, D.C.

(3) The respective Regional Offices of the Federal Aviation Administration as follows:

(i) New England Regional Office, 12 New England Executive Park, Burlington, Massachusetts.

(ii) Eastern Regional Office, Federal Building, John F. Kennedy (JFK) International Airport, Jamaica, New York.

(iii) Southern Regional Office, 3400 Whipple Street, East Point, Georgia.

(iv) Great Lakes Regional Office, 2300 East Devon, Des Plaines, Illinois.

(v) Central Regional Office, 601 East Twelfth Street, Kansas City, Missouri.

(vi) Southwest Regional Office, 4400 Blue Mound Road, Fort Worth, Texas.

(vii) Rocky Mountain Regional Office, 10255 East 25th Avenue, Aurora, Colorado.

(viii) Northwest Regional Office, FAA Building, 9010 East Marginal Way South,

King County International Airport (Boeing Field), Seattle, Washington.

(ix) Western Regional Office, 15000 Aviation Boulevard, Hawthorne, California.

(x) Alaskan Regional Office, 632 Sixth Avenue, Anchorage, Alaska.

(xi) Pacific-Asia Regional Office, 1833 Kolakoua Avenue, Honolulu, Hawaii.

(xii) European Regional Office, Tour Madou Building, 1 Place Madou, 1020 Brussels, Belgium.

(4) The Office of the Federal Register, Room 8401, 1100 "L" Street, NW., Washington, D.C.

2. By amending § 14 as follows:

a. By amending paragraph (b) to read as follows:

§ 14 Compliance.

* * * * *

(b) Compliance with the exhaust emission requirements of this SFAR that apply to Class T4 engine beginning on February 1, 1974, is shown if the engine is a JT8D–11, JT8D–15, JT8D–17, or subsequent civil JT8D engine; or if the engine is a JT8D–1, JT8D–7 or JT8D–9 engine that was modified in accordance with Pratt and Whitney Service Bulletin 2531 which is incorporated by reference in § 10 of this SFAR.

* * * * *

b. By redesignating paragraphs (c) and (d) as paragraphs (d) and (e), respectively, and amending the redesignated paragraph (d) by deleting the words "and January 1, 1978," and substituting for them the words "January 1, 1978; January 1, 1981; January 1, 1983; and January 1, 1985,".

c. By adding a new paragraph (c) to read as follows:

* * * * *

(c) Compliance with the exhaust emissions requirements of this SFAR that apply to Class T3 engines beginning on January 1, 1978; January 1, 1981; January 1, 1983; and January 1, 1985, is shown if the engine is a JT3D–12 engine or if the engine has been redesignated as a JT3D–1A, JT3D–1A–MC6, JT3D–1A–MC7, or a JT3D–7A engine after being modified in accordance with Pratt and Whitney Service Bulletin 4694, which is incorporated by reference in § 10 of this SFAR.

* * * * *

3. By amending § 15 as follows:

a. By amending paragraph (a)(5) to read as follows:

§ 15 Type certificates.

(a) * * *

(5) For airplanes powered by engines of Class T3—

(i) Each engine manufactured on or after January 1, 1978, complies with the exhaust emission requirements and related test procedures of 40 CFR Part 87 that apply beginning January 1, 1978; and

(ii) Each engine manufactured before January 1, 1978, complies with the exhaust emission requirements and related test procedures of 40 CFR Part 87 that apply beginning January 1, 1985.

* * * * *

b. By amending paragraph (b) by deleting the words "date specified in subparagraph (a)(4)" and substituting for them the words "dates specified in subparagraphs (a)(4) and (a)(5)."

4. By amending § 17 as follows:

a. By amending paragraph (a)(5) to read as follows:

§ 17 Supplemental and amended type certificates.

(a) * * *

(5) For airplanes powered by engines of Class T3—

(i) Each engine manufactured on or after January 1, 1978, complies with the exhaust emission requirements and related test procedures of 40 CFR Part 87 that apply beginning January 1, 1978; and

(ii) Each engine manufactured before January 1, 1978, complies with the exhaust emission requirements and related test procedures of 40 CFR Part 87 that apply beginning January 1, 1985.

* * * * *

b. By amending paragraph (b) by deleting the words "subparagraphs (a)(2) and (a)(4) of this section" and substituting for them the words "subparagraphs (a)(2), (a)(4), and (a)(5) of this section."

5. By amending § 19(a)(3) to read as follows:

§ 19 Engine approvals.

(a) * * *

(3) For an engine of Class T3, unless—

(i) Each engine manufactured on or after January 1, 1978, complies with the exhaust emission requirements and related test procedures of 40 CFR Part 87 that apply beginning January 1, 1978; and

(ii) Each engine manufactured before January 1, 1978, complies with the exhaust emission requirements and related test procedures of 40 CFR Part 87 that apply beginning January 1, 1985.

* * * * *

6. By amending § 21(e) to read as follows:

§ 21 Standard airworthiness certificates.

* * * * *

(e) For airplanes powered by engines of Class T3—

(1) Each engine manufactured on or after January 1, 1978, complies with the exhaust emission requirements and related test procedures of 40 CFR Part 87 that apply beginning January 1, 1978; and

(2) Each engine manufactured before January 1, 1978, complies with the exhaust emission requirements and related test procedures of 40 CFR Part 87 that apply beginning January 1, 1985.

7. By amending § 25 as follows:

a. By amending the introductory clause by deleting the words "paragraphs (a) through (d)" and substituting for them the words "paragraphs (a) through (e)."

b. By amending paragraph (e) to read as follows:

§ 25 Operations.

* * * * *

(e) For airplanes powered by engines of Class T3—

(i) Each engine manufactured on or after January 1, 1978, complies with the exhaust emission requirements and related test procedures of 40 CFR Part 87 that apply beginning January 1, 1978; and

(ii) In addition, regardless of date of manufacture, each engine complies with the exhaust emission requirements according to the following schedule:

(A) One quarter of the operational Class T3 engines by January 1, 1981.

(B) One half of the operational Class T3 engines by January 1, 1983.

(C) All operational Class T3 engines by January 1, 1985.

This compliance schedule notwithstanding, Class T3 engines which do not meet a smoke number of 25 may continue to be operated if, under an FAA approved plan, replacement engines or replacement airplanes have been ordered under a binding contract and are scheduled for delivery before January 1, 1985, but not after the date specified in the plan. For purposes of this paragraph, replacement engines are engines of a class other than Class T3 engines that have been shown to meet the smoke emission requirements and related test procedures of 40 CFR Part 87 appropriate to their class.

(Sec. 232, Clean Air Act, as amended December 31, 1970, Pub. L. 91–604 (42 U.S.C. 1875f–10) as delegated (36 FR 3733); 40 CFR Part 87; secs. 307(c), 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1421, and 1423); sec. 6c, Department of Transportation Act (49 U.S.C. 1655(c); 14 CFR 11.45))

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). A copy of the draft evaluation prepared for this action is

contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Washington, D.C., on April 8, 1980.

John E. Wesler,

Director, Office of Environment and Energy.

[FR Doc. 80-11083 Filed 4-11-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 91

[Docket No. 20251; Notice No. 80-7]

Aircraft Operating Noise Limits; Proposed Requirements for Compliance With Part 36 Noise Limits for Certain Turbojet Airplanes Engaged in Domestic or Foreign Air Commerce in the United States

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes amendments to the aircraft operating noise limits rule applicable to civil subsonic turbojet powered airplanes with maximum weights of more than 75,000 pounds that are engaged in domestic or foreign air commerce in the United States. Those aircraft, whether of U.S. or foreign registry, would be required to comply with at least "Stage 2 noise levels" and certain other provisions of Part 36 in order to operate in the United States after specified dates. These amendments are proposed under § 611 of the Federal Aviation Act of 1958, as amended, to reflect the recently enacted Title III of the Aviation Safety and Noise Abatement Act of 1979.

Statutory extensions of the compliance dates under specified terms and conditions are implemented. Those statutory provisions provide an incentive to replace noncomplying two-engine and three-engine airplanes with the quieter Stage 3 airplanes and exempt two-engine airplanes to provide air transportation services to small communities in the United States.

In the preamble to the operating noise limits rule adopted in 1976, the FAA announced its intention to take additional regulatory action, if an international agreement were not reached before 1980 on international operating noise requirements and a compliance schedule for achieving either the U.S. noise levels (FAR Part 36) or the international noise levels (ICAO Annex 16). The recently enacted Aviation Safety and Noise Abatement Act of 1979 requires completion of portions of this regulatory action, in accordance with the Act, within 120 days.

DATES: Comments must be received on or before June 28, 1980.

ADDRESS: Send comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-24), Docket No. 20251, 800 Independence Avenue, SW., Washington, DC 20591; or deliver comments in duplicate and marked Docket No. 20251, to: Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, DC.

Comments may be examined weekdays between 8:30 a.m. and 5 p.m. in the Rules Docket.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard N. Tedrick, Noise Policy and Regulatory Branch (AEE-110), Noise Abatement Division, Office of Environment and Energy, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 755-9027.

SUPPLEMENTARY INFORMATION:

I. Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Comments are specifically invited on the overall regulatory, economic, and environmental aspects of the proposal, including environmental impacts other than noise. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address listed above. All communications received on or before the specified closing date for comments will be considered by the Administrator before taking action on the proposed rule. To the extent not limited by statute, proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 20251." The postcard will be date/time stamped and returned to the commenter.

II. Availability of NPRM's

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center (APA-430), 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

III. Synopsis of Proposals

The FAA is considering amendments to Subpart E of Part 91 of the Federal Aviation Regulations (14 CFR Part 91) to bring Subpart E into conformance with Title III of the Aviation Safety and Noise Abatement Act of 1979 which is provided as an appendix to this notice (Pub. L. 96-193; 94 Stat. 50; hereinafter referred to as the "ASNA Act"). These amendments would apply to civil subsonic turbojet engine powered airplanes with maximum weights of more than 75,000 pounds and would require compliance with Stage 2 or Stage 3 noise levels under Part 36 (including the permissible use of tradeoffs provisions) as a condition of operating in the United States after specified dates. Unless scheduled for replacement under a FAA approved plan or covered by a "service to small communities exemption," each affected airplane must be shown to comply with the applicable Stage 2 or Stage 3 noise levels under Part 36 or it may not be operated in the United States on and after the following dates:

January 1, 1981—

a. At least one quarter of the airplanes operated by each operator in domestic air commerce that have four engines with no by-pass ratio or a by-pass ratio less than two; and

b. At least half of the airplanes powered by any other type or number of engines and engaged in domestic air commerce.

January 1, 1983—

a. At least one half of the airplanes operated by each operator in domestic air commerce that have four engines with no by-pass ratio or a by-pass ratio less than two; and

b. All the airplanes powered by any other type of number of engines and engaged in domestic air commerce.

January 1, 1985—

All airplanes engaged in domestic or foreign commerce in the United States, regardless of the State of registry or airworthiness certification.

Operators of affected airplanes engaged in both domestic and foreign air commerce may elect to apportion those airplanes between the two types of operations in accordance with a FAA approved method of apportionment.

The compliance date for a particular airplane may be extended under an approved replacement plan or a "service to small communities exemption," subject to a number of eligibility and termination requirements specified in the ASNA Act. Those dates specified are as follows:

After January 1, 1983—

An exemption covering a two-engine airplane to provide service to small communities expires on the date of delivery to another person of an exempted two-engine airplane that is sold, or otherwise disposed of, to that other person.

On or before January 1, 1985—

a. The authority to continue operations under an approved replacement plan, for the replacement of a three-engine or four-engine airplane expires on January 1, 1985, or on an earlier date specified in the plan.

b. An exemption covering a two-engine airplane with more than 100 passenger seats to provide service to small communities expires on January 1, 1985, unless the airplane is earlier sold, or otherwise disposed of, to another person.

On or before January 1, 1986—

The authority to continue operations under an approved replacement plan for the replacement of a two-engine airplane expires on January 1, 1986, or on an earlier date specified in the plan.

On or before January 1, 1988—

An exemption covering a two-engine airplane with 100 passenger seats or less to provide service to small communities expires on January 1, 1988, unless the airplane is earlier sold, or otherwise disposed of, to another person.

To be eligible for approval of a plan for the replacement of two-engine and three-engine airplanes that would allow operations until the dates discussed above, an operator must enter into a binding contract before January 1, 1983, that specifies delivery of a Stage 3 airplane before the applicable compliance date. Approval of a replacement plan for any other airplane would continue to be governed by the current rule which allows operations until a date on or before January 1, 1985, where the plan provides for a replacement airplane that either (1) has been shown to be a Stage 2 airplane before issuance of its original standard airworthiness certificate; or (2) has been reengined, or otherwise modified, and shown to be a Stage 3 airplane under Part 36. After the expiration of an exemption or the authority to continue operations under an approved replacement plan, compliance with Part 36 noise levels must be shown in order to operate that airplane in the United States.

For purposes of the exemption to provide air transportation service to small communities by two-engine airplanes, the seat configuration of the airplane is governed by that seating capacity shown to exist on December 1, 1979, or an earlier date established for that airplane by the Administrator.

In bringing those affected airplanes engaged in foreign air commerce in the United States under Subpart E of Part 91, this notice proposes to apply the same Part 36 noise limits and other requirements currently applicable under Subpart E. In addition, this notice proposes to apply to all operators the provisions governing the service to small communities exemption and the authority to operate a Stage 1 airplane under an approved replacement plan. It does not propose, for the reasons discussed in this notice, to allow aircraft to demonstrate compliance with the International Civil Aviation Organization (ICAO) Annex 16 noise limits as an acceptable alternative to Part 36. If before the January 1, 1985, compliance date ICAO adopts noise standards which are substantially compatible with the requirements prescribed in Parts 36 and 91, the FAA will consider rulemaking to allow airplanes engaged in foreign air commerce to be operated if they have been shown to comply with those standards. The proposal would revoke the current limitation in Subpart E on the permissible use of Part 36 tradeoff provisions in demonstrating compliance with required Part 36 noise levels.

Operators of aircraft in foreign air commerce are also reminded that in accordance with FAR Part 11 and § 611 of the Act, and the Administrator may grant exemptions in the public interest from the FAA's noise control and abatement regulations. In considering the public interest, the Administrator reviews the need to provide air transportation services to those airports that would be affected. The Administrator also considers the factors contributing to a fair and reasonable access to U.S. airports by both domestic and foreign operators under substantially similar requirements to provide noise level reductions at those airports. Exercise of that discretionary authority, pursuant to § 611, ensures full consideration of the particular matters presented by a petitioner for relief from specific provisions of the regulation. The Administrator considers, among other things, whether the regulation, as applied to the petitioner, is economically reasonable, technologically practicable, and appropriate to the particular type of aircraft affected under the circumstances presented. It should be noted that under § 611, the FAA is required to consult with the Environmental Protection Agency before granting an exemption from the rule proposed. To ensure that an adequate opportunity to review any requests for exemption from operators engaged in foreign air commerce, requests should be filed in the early part of 1984. In reviewing requests for exemption applicable to an operator's service to the United States pursuant to a bilateral agreement, the FAA will consider whether there has been a demonstration that the service would be jeopardized without relief from the regulation.

IV. Regulatory History

Part 36 of the Federal Aviation Regulations "Noise Standards: Aircraft Type Certification" (34 FR 18355; November 18, 1969), which became effective December 1, 1969, originally prescribed noise measurement, evaluation, and level requirements for the issuance of type certificates, and changes to those certificates, for subsonic transport category airplanes and for subsonic turbojet engine powered airplanes, regardless of category and weight. That regulation initiated the noise abatement regulatory program of the FAA under the statutory authority of Pub. L. 90–411 (July 21, 1968), which added section 611 to the Federal Aviation Act of 1958 (the "Act").

On December 17, 1976, after consultations with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, the FAA adopted Amendment 91–136 which added Subpart E to Part 91 (41 FR 56046; December 23, 1976). Subpart E applies to U.S. registered civil subsonic airplanes with maximum weights of more than 75,000 pounds and having standard airworthiness certificates. It requires, as a condition to continuing operation after certain dates, that airplanes be shown to comply with the noise levels of Part 36. A phased compliance schedule applies to

airplanes engaged in commercial and air carrier operations. Interim compliance dates of January 1, 1981 and January 1, 1983, apply to specified portions of an operators fleet. Final compliance for all airplanes is required before January 1, 1985. Special provisions govern replacement of existing airplanes, apportionment of an operator's fleet between domestic and foreign commerce, and the limitation on the permissible use of the tradeoff provisions in Part 36 (§ C36.5(b)).

On December 13, 1979, after consultations with the Secretary and the EPA, the FAA adopted Amendment 91–161, entitled "Aircraft Operating Noise Limits: Compliance Plans and Expanded Definition of 'Replacement Airplanes'" (44 FR 75558; December 20, 1979; and 45 FR 6924; January 31, 1980). That amendment (1) redefines "replacement airplanes" to allow credit under the rule for certain reengined airplanes, and (2) requires periodic submission to the FAA of fleet operator compliance plans and status reports for achieving and maintaining compliance under the rule.

V. Aircraft Noise Rules

Pub. L. 90–411, 92–574, 95–609, and 96–193 were enacted to provide the statutory basis for promulgating regulations providing present and future relief and protection to the public health and welfare from noise and sonic boom from civil aircraft. Under section 611 of the Act, the FAA, after consultation with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, is responsible for the adoption and amendment of rules which prescribe the necessary standards and regulations.

Since the adoption of Part 36 in 1969, the FAA has issued a number of other notices proposing amendments to its provisions and, subsequent to notice and public procedure, has adopted those amendments which have been found to be consistent with the provisions of section 611 of the Act. Those amendments have increased the protection of the public health and welfare by providing the necessary control and abatement of aircraft noise and sonic boom. In addition to the FAR Part 36 airplane noise certification rules, the FAA has adopted rules governing how airplanes should be operated for noise control purposes. On March 28, 1973, the FAA published an amendment to Part 91 (Amendment 91–112; 38 FR 8051) to prohibit unauthorized operation of civil aircraft at supersonic speeds over the United States. Amendment 91–134 (41 FR 52388; November 29, 1976), amended Part 91 for noise abatement purposes to require that a pilot in command of a civil turbojet-powered airplane use the lowest authorized flap setting consistent with safety. Amendment 91–136 (41 FR 56046; December 23, 1976) as previously discussed, added Subpart E to Part 91 to require phased compliance with the Part 36 noise limits by civil subsonic turbojet engine powered airplanes with maximum weights of more than 75,000 pounds that are not operated in foreign air commerce. Amendment 91–153 (43 FR 28406; June 29, 1978) strengthened the prohibition on sonic booms under § 91.55 and prohibits the operation to and from U.S. airports of all civil supersonic aircraft, except a limited number of Concorde SSTs, that do not meet FAR Part 36 noise standards. Amendment 91–161, as previously discussed, amended Subpart E to allow replacement credit during the phased compliance period for certain re-engined airplanes shown to comply with Stage 3 noise levels and to require U.S. operators to submit compliance plans and status reports under the rule.

VI. Need for Regulation

Operations by U.S. and foreign air carriers engaged in foreign air commerce create a significant noise impact at the international airports. Because of their longer flight distances which require more fuel, international flights normally operate at higher gross weights and create higher noise levels during takeoff. The noise impact increases as operations increase and will become more significant by 1985 when most U.S. airplanes used in domestic service must meet Stage 2 noise levels of Part 36. Also, additional "gateway" cities are receiving international operations as more international routes are awarded.

In the Aviation Noise Abatement Policy issued by DOT/FAA on November 18, 1976, and again in the preamble to Subpart E, the FAA stated that U.S. regulatory action would be taken in the event an agreement for compliance was not reached in the ICAO by 1980. Such an agreement has not been reached. In fact, at the 97th ICAO session held in Montreal during May and June 1979, the ICAO Council agreed to request all member States to take no action before January 1, 1988, and then to limit any prohibition of operations by noncomplying airplanes only at the most noise sensitive airports. Since U.S. airports that are served by international flights tend to be among the largest and busiest U.S. airports, the noise impact on those airports is also among the most serious.

In light of the noise control and abatement objectives of section 611 of the Act and as a result of the recently enacted ASNA Act, the FAA must proceed with rulemaking requiring compliance by 1985 unless, for a limited period, an airplane is specifically excepted or exempted. At the same time, the FAA is fully aware of the expectations of foreign air carriers and commercial operators that 1985 would be the earliest noise compliance date they would face in the United States should the ICAO mechanism not produce an agreement by January 1, 1980.

Aircraft noise has been identified as a significant annoyance for millions of persons in the United States. The problem is particularly serious at many major international airports. Shown below is the change in daily scheduled international operations of large turbojets at five of the major jetports between 1972 and 1979.

International Operations

Jetport	1972	1979	Change
New York (JFK)	284	251	−[1]33
Miami (MIA)	119	234	+115
Chicago (ORD)	63	69	+6
Los Angeles (LAX)	52	89	+37
Boston (BOS)	41	50	+9
Totals	559	693	+134

[1] The net reduction is attributed primarily to a significant increase in the use of wide-bodied airplanes with their large passenger capacities.

Without action to mitigate the noise contribution of airplanes engaged in foreign air commerce, the current rule, which is not applicable in all cases to those aircraft, provides only partial relief, and places the responsibility for airport noise reduction solely on the operations of U.S. registered aircraft not engaged in foreign commerce.

In proposing to extend the Part 36 noise level standards to both foreign and domestic airplanes engaged in foreign air commerce, the FAA is acting pursuant to Title III of the ASNA Act and section 611 of the Act. This proposal to amend Part 91 of the Federal Aviation Regulations is the result of several years of study by the FAA of the considerations and objectives of section 611 of the Act and the recently enacted statutory mandate. The development of the proposal included consultation with the Secretary of Transportation and the Environmental Protection Agency (EPA) in order to assure the fullest possible consideration of the factors of public health and welfare, safety, economic reasonableness, and technological practicability of the proposed rule.

As a result of the impact of aircraft noise on airport neighbors, serious pressures have developed that could

threaten the continued growth of healthy national and international air transportation systems. Those pressures have led to restrictions on airport usage such as curfews, restrictions on the use of certain aircraft, opposition to airport development and serious liability exposure for existing airports. Other titles of the ASNA Act of 1979 also address many of those issues and will be the subject of future rule making proceedings.

There are over 13,000 public airports operating in the United States. Those airports vary widely in their size, closeness to populated areas, and aircraft mix. Some of those airports are among the busiest in the world, with 84 airports having more than 200,000 annual operations, 160 airports having more than 150,000 operations each year, and well over 200 airports having more than 100,000 annual operations. The busiest airports are generally located in the vicinity of the larger metropolitan areas and, thus, affect a significant number of people.

The conclusion of the many years of FAA review of this problem is that, both from the standpoint of the quality of life in hub airport environments and from the standpoint of the preservation of strong national and international air transportation systems, Federal action is required to ensure that all aircraft comply with at least the original 1969 Part 36 noise levels. Congress included this requirement in Title III of the Aviation Safety and Noise Abatement Act of 1979.

Title III of the Aviation Safety and Noise Abatement Act of 1979 requires the Secretary of Transportation, acting through the Administrator of the Federal Aviation Administration, to make certain changes in the aircraft operating noise limits rule contained in Subpart E of Part 91. This proposal contains those required changes, outlined as follows:

Section 302 requires the FAA to complete rulemaking within 120 days to require both foreign and domestic operators engaged in foreign air commerce to comply with rules comparable to those currently contained in FAR Part 91, Subpart E. Under that section, the rulemaking would have had to conform to any pertinent agreement reached through the International Civil Aviation Organization (ICAO) by January 1, 1980. However, such an agreement was not reached. That section also permits the FAA to require international operators to comply with either the present domestic rule (contained in Parts 36 and 91) or ICAO Annex 16, if the Annex 16 standards "are substantially compatible" with the rule contained in Parts 36 and 91. Since there are technical differences between Part 36 and ICAO Annex 16 that can make differences for particular airplane types and since ICAO Annex 16 does not include operational requirements like those in Part 91, Subpart E, use of Annex 16 for the international portion of the U.S. rule could create (particularly for U.S. operators that are engaged in both foreign and domestic service) two distinct fleets with conceivably different noise levels and applications of different noise abatement technology. Further, to permit compliance to be shown with either Annex 16 or Part 36 could be to invite a meticulous search of the two standards for some small advantage for particular airplanes and fleets. That would only tend to reduce the protection to the public health and welfare intended by this proposal. Accordingly, this proposal would require compliance to be shown with Part 36.

Section 303 Provides a "new technology aircraft incentive" by permitting continued operation of noncomplying (Stage 1) two- and three-engine airplanes until no later than January 1, 1986, and January 1, 1985, respectively, if the airplane will be replaced by a Stage 3 airplane. To qualify, the operator must have a binding contract entered into before January 1, 1983, specifying a delivery date for the replacement before the applicable compliance date and an FAA approved replacement plan covering that airplane.

Section 304 entitled "small community service exemption" provides for issuance of exemptions to operators of noncomplying (Stage 1) two-engine airplanes to provide air transportation services. Those exemptions expire on January 1, 1988, for airplanes with 100 passenger seats or less, and on January 1, 1985, for airplanes with 100 passenger seats or less, and on January 1, 1985, for airplanes with more than 100 passenger seats (as those airplanes were configured on December 1, 1979, or at any earlier date established for any particular airplane). If an exempted airplane is sold, or otherwise disposed of, to another person after January 1, 1983, it is no longer exempted and is subject to the requirements that the airplane be brought into compliance before further operations in the United States by the other person.

Section 305 rescinds the current limitation in Subpart E concerning the permissible use of noise level tradeoffs when demonstrating compliance with Part 36.

VII. Section-by-Section Analysis of the Proposal

This notice proposes amendments to Subpart E of Part 91 of the Federal Aviation Regulations (14 CFR Part 91) which contains the operating noise limits and related requirements that apply to the operation of affected aircraft in the United States. The following discussion outlines the proposed changes to each affected provision implementing Title III of the Aviation Safety and Noise Abatement Act of 1979.

A. Applicability to airplanes engaged in foreign air commerce

This notice proposes to amend § 91.301(a)(1) to reflect the expanded applicability to Subpart E for civil subsonic airplanes engaged in foreign air commerce in the United States, regardless of the State of registry of the airplane. The current provision would be restructured and a new paragraph added to provide comparable treatment for foreign registered airplanes with maximum weights of more than 75,000 pounds. The new paragraph would apply if the airplane would be required by the Federal Aviation Regulations to have a U.S. standard airworthiness certificate in order to conduct the operations intended for that airplane were it registered in the United States. A new paragraph (a)(2) would be added to indicate that there is no need, and, thus, no requirement for foreign operators to submit compliance plans and status reports. Section 91.308 is currently applicable only to domestic operators. Compliance status of airplanes operated in the United States by foreign operators can be adequately monitored through the existing mechanisms covering those airplanes.

B. Relationship to Part 36

Paragraph 91.301(b) would be revised to expressly incorporate the Part 36 definitions of "Stage 2" and "Stage 3" of noise levels and of airplanes described in terms of those noise levels ("Stage 2 airplanes" and "Stage 3 airplanes"). Those terms are used whenever appropriate to identify more specifically the applicable Part 36 noise levels under Part 91, Subpart E.

C. Tradeoff provisions

Under the proposal, paragraph 91.301(c) governing the limited applicability of the tradeoff provisions of § C36.5(b) in showing compliance with Subpart E is deleted to implement the legislative authorization to use "tradeoffs" in showing compliance with

the provision of Subpart E (section 305 of the ASNA Act).

D. Final compliance dates

Section 91.303 would be amended to reflect the legislative authorization (sections 303(b) and 304, ASNA Act) for extending the final compliance dates beyond January 1, 1985. The affected provisions govern two-engine airplanes under FAA approved replacement plans (proposed § 91.305(d)(1)) or under the small communities exemption provisions (proposed § 91.306). Two-engine airplanes are generally required to achieve full compliance by January 1, 1983, in accordance with § 91.305(b)(2). In other respects, the Stage 2 or Stage 3 noise levels still must be achieved according to the phased compliance schedule and by all affected subsonic airplanes by January 1, 1985, in order to operate in the United States.

E. Phased compliance

Current § 91.305 prescribes the phased compliance schedule for U.S. registered airplanes operated under Parts 121 or 135, including provisions for extending those dates up to January 1, 1985, under an FAA approved plan for "replacement airplanes" that have been shown to comply with specified Part 36 noise levels. The proposal would expand the general applicability of the section to include all affected airplanes operated in domestic U.S. air commerce, regardless of their State of registry. (This change is necessary to ensure that the noise abatement objectives of the rule are not) inadvertently subverted in those cases where U.S. operators operate foreign registered airplanes in the United States under the recently adopted provisions of the international Air Transportation Competition Act of 1979.) For purposes of phased compliance, the proposal distinguishes between airplanes operated in domestic U.S. air commerce, and those operated in foreign air commerce in the United States. The current schedule for compliance would apply generally to airplanes engaged in domestic U.S. air commerce. The notable exceptions are those airplanes covered by the statutory compliance date extensions for replacement airplanes (proposed § 91.306(a) and (b)) and for providing air transportation service to small communities (proposed § 91.307(a)). For airplanes engaged in foreign air commerce in the United States, regardless of the State of registry, the proposal requires full compliance as follows:

(1) By January 1, 1985, all affected airplanes not operated under an approved replacement plan or exemption from proposed § 91.303, and for two-engine airplanes having more than 100 passenger seats and operated under a service to small communities exemption (proposed § 91.307(a)(3)).

(2) By January 1, 1986, for two-engine airplanes scheduled to be replaced under an approved plan (proposed § 91.306(a)); and

(3) By January 1, 1988, for two-engine airplanes having 100 passenger seats or less and operated under a service to small communities exemption (proposed § 91.307(a)(2)).

The provision for apportionment of airplanes engaged in foreign air commerce by U.S. operators would be transferred from current § 91.307 to § 91.305(c). That provision would be revised to permit persons operating airplanes in both domestic and foreign air commerce in the United States to apportion those airplanes between the two kinds of operations. That would be accomplished by electing to comply with the schedule for airplanes operated in foreign air commerce with respect to that portion of the airplanes operated by that person shown, under an FAA approved method of apportionment, to be engaged in foreign air commerce in the United States.

F. Replacement airplanes

Currently, § 91.305(c) permits continued operation of a certain noncomplying (Stage 1) airplane after the applicable phased compliance date, if it is scheduled to be replaced. To be eligible, the airplane must be covered by an FAA approved replacement plan and must have a scheduled delivery before January 1, 1985, of a replacement airplane shown to comply with Stage 2 or Stage 3 noise levels. Recently, § 91.305(c) was amended to permit replacement by airplanes which have been reengined, or otherwise modified, and shown to comply with Part 36, Stage 3 noise level requirements (44 FR 75558; Dec. 20, 1979). However, based on the legislative mandate previously indicated, specific additional requirements apply to the replacement of two- and three-engine airplanes and different dates are prescribed. This notice implements those requirements under § 91.306 and revises the current provisions to apply only to other airplanes and to clarify that the "order" for the replacement airplane must be under a "binding contract," not merely an option to buy, as discussed below. In all cases, operation of the airplane to be replaced may continue until the dates prescribed in the rule but not beyond the date specified in the approved plan. For replacement of either two-engine or three-engine airplanes, the contract must be executed before January 1, 1983, and specify delivery of a Stage 3 airplane before January 1, 1985, for three-engine airplanes and before January 1, 1986 for two-engine airplanes. This notice reflects those requirements and dates while preserving the current rule for other airplanes covered by Subpart E. Accordingly, it should be noted that replacement of airplanes subject to January 1, 1981, or January 1, 1983, interim compliance dates will still need FAA approved replacement plans and binding contracts for replacement airplanes *before* the applicable compliance dates.

In order to determine whether acceptable contractual obligations supporting a replacement plan have been executed by the operator of the Stage 1 airplanes, the proposal provides for the submission of a certified application for approval of the replacement plan. Proposed paragraph 91.306(d) would apply to each replacement plan, including a revised plan, submitted for approval to the FAA. It would require operators of the airplanes to be replaced to submit to the FAA, Director of the Office of Environment and Energy an application containing specified information constituting the plan, and certified as true and correct (under penalty of 18 U.S.C. 1001), upon which the FAA would rely in considering whether to approve the replacement plan. More than one airplane may be the subject of one replacement plan. On the basis of the application and replacement plan, the FAA should be able to determine whether a mutually binding contract between the operator and an aircraft manufacturer, or other contractor, for actual and timely delivery of eligible replacement airplanes has been entered into as contemplated under section 303 of the ASNA Act and proposed FAR § 91.306.

The information required to be included in the application should simplify the process of applying for and considering approvals and avoid, in most cases, the need for submitting the actual contracts and complex financing documents for review before a replacement plan could be approved. It would provide the requisite assurances that replacement of the airplanes covered will in fact occur and eligible replacement airplanes will be put into service as contemplated. In that regard, an approved replacement plan would permit the continued operation of the Stage 1 airplane only until the date specified in the plan or its expiration under the rule and only so long as the

material facts and representations made by the operator and relied upon in giving an approval still apply. The FAA contemplates that commercially sound transactions must be presented in order to obtain approval of each replacement plan.

G. Service to small communities exemption

The statute provides for issuance of limited exemptions to permit Stage 1 airplanes powered by two engines to operate after otherwise applicable interim and final compliance dates in order to ensure air transportation services to "small communities" (section 304 of the ASNA Act). That provision is implemented under a proposed new § 91.307. Under the proposal, the Administrator issues to operators exemptions covering specific two-engine airplanes to permit operations in providing air transportation services to small communities in the United States. Paragraph (a) of the proposed new section provides the statutory dates for termination of the exemption; that is, January 1, 1985, for airplanes with more than 100 passenger seats and January 1, 1988, for airplanes with 100 passenger seats or less. Also, if an exempted airplane is sold, or otherwise disposed of, to another person on or after January 1, 1983, the exemption terminates on the date of delivery to that person. Paragraph (b) contains the provision indicating that the airplane's seating capacity is governed by that shown to exist on December 1, 1979, or an earlier date established for that airplane by the Administrator.

H. Compliance plans and status.

Proposed amendments to § 91.308 do not include any proposal to extend the requirements of submitting compliance plans and status reports to foreign operators because existing mechanisms governing foreign operators are adequate to ensure compliance. However, several changes in the rule, primarily affecting U.S. operators engaged in domestic U.S. and foreign air commerce, are proposed to reflect more clearly the proposed changes in the operating noise limit requirements applicable to their airplanes. Paragraph (a) would be amended to apply to airplanes under foreign registry that are operated by U.S. operators in the United States. Editorial changes would be made in paragraphs (b) (2) and (3) to reflect proposed amendments to other sections. Paragraph (c)(3) would be amended to require each U.S. operator to report the total number of airplanes engaged in domestic U.S. air commerce and in foreign air commerce in the United States, as well as the total number of airplanes in each of those classes that are powered by four turbojet engines with—(1) no by-pass ratio or with a by-pass ratio less than two; and (2) any other type or number of engines. U.S. operators would also report the number of two-engine airplanes in each class operated under service to small communities exemption. Under the proposal, current paragraph (c)(4)(x) would be amended to govern only retirements of DC–8 and B–707 airplanes operated in domestic U.S. air commerce and a new paragraph (c)(4)(xi) would cover those airplanes operated in foreign air commerce in the United States. Several paragraphs would be redesignated and a new paragraph (c)(4)(xiv) would be added to cover separately two-engine airplanes operated under an exemption to provide air transportation services to small communities. Corresponding reporting codes would be amended or added to paragraph (c)(5) to reflect those amendments to the compliance plan and status reporting requirements affected by the ASNA Act.

The Unusually Short Comment Period

Section 302 of the ASNA Act requires that portion of this regulatory proceeding be completed within 120 days. Accordingly, there is limited time available to receive and evaluate comments on the proposals contained in this notice. Due to the time limitations, the FAA has provided the maximum period possible for receiving comments consistent with its obligation to adopt regulations in a timely manner. Virtually all of the provisions in the proposals are dictated by the legislation but have been tailored in form and terminology to conform with the existing provisions of Part 91, Subpart E. Commenters should concentrate on those matters over which the Administrator has discretion in adopting final regulations implementing the ASNA Act. Necessarily, the time limitation for comments must be adhered to strictly to ensure completion of those proceedings within the 120 days allowed.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Subpart E of Part 91 of the Federal Aviation Regulations (14 CFR Part 91) as follows:

PART 91—GENERAL OPERATING AND FLIGHT RULES

* * * * *

Subpart E—Operating Noise Limits

§ 91.301 Applicability; relation to Part 36. [Amended]

1. By amending § 91.301 as follows:

a. By revoking paragraph (c) and marking it "[Reserved]."

b. By adding a new paragraph (a)(2) and amending paragraphs (a)(1) and (b) to read as follows:

(a) * * *

(1) Sections 91.303, 91.305, 91.306, and 91.307 apply to civil subsonic turbojet airplanes with maximum weights of more than 75,000 pounds and—

(i) If U.S. registered, that have standard airworthiness certificates; or

(ii) If foreign registered, that would be required by this chapter to have a U.S. standard airworthiness certificate in order to conduct the operations intended for the airplane were it registered in the United States.

Those sections apply to operations under this part and Parts 121, 123, 129, and 135 of this chapter.

(2) Section 91.308 applies to U.S. operators of civil subsonic turbojet airplanes with maximum weights of more than 75,000 pounds. That section applies to operators operating under this part and Parts 121, 123, and 135 but not to those operating under Part 129 of this chapter.

* * * * *

(b) Unless otherwise specified, as used in this subpart "Part 36" refers to 14 CFR Part 36, including the noise levels under Appendix C of that part, notwithstanding the provisions of that part excepting certain airplanes from the specified noise levels. For purposes of this subpart, the various stages of noise levels, the terms used to describe airplanes with respect to those levels, and the terms "subsonic airplane" and "supersonic airplane" have the meanings specified under Part 36 of this chapter.

2. By amending § 91.303 to read as follows:

§ 91.303 Final compliance: subsonic airplanes.

Except as provided in §§ 91.306 and [new] 91.307, on and after January 1, 1985, no person may operate in the United States any subsonic airplane covered by this subpart, unless that airplane has been shown to comply with Stage 2 or Stage 3 noise levels under Part 36 of this chapter.

3. By revising § 91.305 to read as follows:

§ 91.305 Phased compliance under Parts 121, and 135: Subsonic airplanes.

(a) *General.* Except as provided in §§ 91.306 and [new] 91.307, each person

operating airplanes under Parts 121 or 135 of this chapter, regardless of the State of registry of the airplane, shall comply with this section with respect to subsonic airplanes covered by this subpart.

(b) *Compliance schedule.* Unless scheduled for replacement in a plan approved under § 91.306, or exempted under [new] § 91.307, airplanes operated in domestic U.S. air commerce must be shown to comply with Stage 2 or Stage 3 noise levels under Part 36, in accordance with the following schedule, or they may not be operated in the the United States:

(1) By January 1, 1981:

(i) At least one quarter of the airplanes that have four engines with no by-pass ratio or with a by-pass ratio less than two.

(ii) At least half of the airplanes powered by any other type or number of engines.

(2) By January 1, 1983:

(i) At least one half of the airplanes that have four engines with no by-pass ratio or with a by-pass ratio less than two.

(ii) All airplanes powered by any other type or number of engines.

(c) *Apportionment of airplanes.* For purposes of paragraph (b) of this section, a person operating airplanes engaged in domestic and foreign air commerce in the United States may elect to comply with the schedule for airplanes operated in foreign air commerce with respect to that portion of the airplanes operated by that person shown, under an approved method of apportionment, to be engaged in foreign air commerce in the United States.

4. By adding a new § 91.306 to read as follows:

§ 91.306 Replacement airplanes.

A Stage 1 airplane may be operated if, under an approved plan, a replacement airplane has been ordered by the operator under a binding contract as follows:

(a) For replacement of an airplane powered by two engines, until January 1, 1986, but not after the date specified in the plan, if the contract is entered into by January 1, 1983, and specifies delivery before January 1, 1986, of a replacement airplane which has been shown to comply with Stage 3 noise levels under Part 36 of this chapter.

(b) For replacement of an airplane powered by three engines, until January 1, 1985, but not after the date specified in the plan, if the contract is entered by January 1, 1983, and specifies delivery before January 1, 1985, of a replacement airplane which has been shown to comply with Stage 3 noise levels under Part 36 of this chapter.

(c) For replacement of any other airplane, until January 1, 1985, but not after the date specified in the plan, if the contract specifies delivery before January 1, 1985, of a replacement airplane which—

(1) Has been shown to comply with Stage 2 or Stage 3 noise levels under Part 36 of this chapter prior to issuance of an original standard airworthiness certificate; or

(2) Has been shown to comply with Stage 3 noise levels under Part 36 of this chapter prior to issuance of a standard airworthiness certificate other than original issue.

(d) Each operator of a Stage 1 airplane for which approval of a replacement plan is made under this section, shall submit to the FAA Director of the Office of Environment and Energy an application constituting the proposed replacement plan (including revised plans) that contains the information specified under this paragraph and which is certified (under penalty of 18 U.S.C. 1001) as true and correct. Each application for approval must provide the information specified in the contract, upon which the FAA may rely in considering its approval, as follows:

(1) Name and address of the applicant.

(2) Aircraft type and model and registration number for each airplane to be replaced under the plan.

(3) Aircraft type and model of each replacement airplane.

(4) Scheduled date of delivery and the scheduled introduction into service of each replacement airplane.

(5) Name and addresses of the parties to the contract and any other persons who may effectively cancel the contract or otherwise control the performance of any party.

(6) Information specifying the anticipated disposition of the airplanes to be replaced.

(7) A statement that the contract represents a legally enforceable, mutual agreement for delivery of an eligible replacement airplane.

5. By revoking § 91.307 and substituting for it a new § 91.307 to read as follows:

§ 91.307 Service to small communities exemption: Two-engine, subsonic airplanes.

(a) A subsonic, Stage 1 airplane powered by two engines may be operated after the compliance dates prescribed under §§ 91.303, 91.305, and 91.306, when, with respect to that airplane, the Administrator issues an exemption from the noise level requirements under this subpart to permit operation to provide services to small communities in the United states. Each exemption issued under this section terminates on the earlier of the following dates—

(1) For an exempted airplane sold, or otherwise disposed of, to another person on or after January 1, 1983—on the date of delivery to that person;

(2) For an exempted airplane with a seating configuration of 100 passenger seats or less—on January 1, 1988; or

(3) For an exempted airplane with a seating configuration of more than 100 passenger seats—on January 1, 1985.

(b) For purposes of this section, the seating configuration of an airplane is governed by that shown to exist on December 1, 1979, or an earlier date established for that airplane by the Administrator.

6. By amending § 91.308 as follows:

a. By amending the section heading to read as follows:

§ 91.308 Compliance plans and status: U.S. operators of subsonic airplanes. [Amended]

b. By amending paragraph (a) after the words "covered by this subpart" by adding the words "and which is either U.S. registered or foreign registered and operated by a U.S. operator in the United States."

c. By amending paragraph (b)(2) by deleting the words "airplane types" and substituting for them the word "airplanes."

d. By amending paragraph (b)(3) after the words "applicable to that airplane" by deleting the word "type" and after the words "through 1985" by adding the words "or until any later compliance date for that airplane prescribed under this subpart,".

e. By amending paragraph (c)(3) to read as follows:

* * * * *

(c) * * *

(3) The total number of airplanes covered by this section and in each of the following classes and subclasses:

(i) Airplanes engaged in domestic air commerce.

(A) Airplanes powered by four turbojet engines with no by-pass ratio or with a by-pass ratio less than two.

(B) Airplanes powered by any other type or number of engines.

(C) Airplanes covered by an exemption issued under [new] § 91.307 of this subpart.

(ii) Airplanes engaged in foreign air commerce.

(A) Airplanes powered by four turbojet engines with no by-pass ratio or with a by-pass ratio less than two.

(B) Airplanes powered by any other type or number of engines.

(C) Airplanes covered by an exemption issued under [new] § 91.307.

* * * * *

f. By amending paragraph (c)(4)(x) after the words "For DC–8 and B–707 airplanes" by adding the words "operated in domestic U.S. air commerce."

g. By amending paragraph (c)(4)(xii) by deleting the reference to "§ 91.307 of this subpart" and substituting for it the words "§ 91.305(c) of this subpart."

h. By redesignating paragraphs (c)(4)(xi), (xii), (xiii), and (xiv) as paragraphs "(c)(4)(xii)," "(c)(4)(xiii)," "(cx)(4)(xv)," and "(c)(4)(xvi)," respectively, and adding two new paragraphs "(c)(4)(xi)," and "(c)(4)(xv)" to read as follows:

* * * * *

(c) * * *

(4) * * *

(xi) For DC–8 and B–707 airplanes operated in foreign air commerce in the United States, which have been or will be retired from service in the United States between [insert publication date of this notice] and January 1985, the appropriate code prescribed under paragraph (c)(5) of this section followed by the actual or scheduled month and year of retirement of the airplane from service;

* * * * *

(xiv) For two-engine airplanes exempted under § 91.307, the appropriate code prescribed under paragraph (c)(5) of this section followed by the actual or scheduled month and year of termination of the exemption and the appropriate code and applicable dates which indicate the compliance strategy planned or implemented for the airplane.

* * * * *

f. By amending paragraph (c)(5) by amending the description for code "RET" and by adding two new codes "RFC" and "EXD" after the code "RET" to read as follows:

RET—For DC–8 and B–707 airplanes operated in domestic U.S. air commerce and retired from service in the United States without replacement between January 24, 1977, and January 1, 1985.

RFC—For DC–8 and B–707 airplanes operated in foreign air commerce in the United States and retired from service in the United States between [insert publication date of this notice] and January 1, 1985.

EXD—For two-engine airplanes exempted under § 91.307 from the noise level requirements of this subpart to provide air transportation services to small communities.

(Secs. 307, 313(a), 601(a), 603, and 611(b), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348, 1354(a), 1421(a), 1423, and 1431(b)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Title III, Aviation Safety and Noise Abatement Act of 1979 (Pub. 96–193; 94 Stat. 50); Title I, National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); Executive Order 11514, March 5, 1970, and 14 CFR 11.45)

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). A copy of the draft regulatory evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption **"FOR FURTHER INFORMATION CONTACT".**

Issued in Washington, DC, on April 8, 1980.

John E. Wesler,

Director, Office of Environment and Energy.

Appendix A to Notice No. 80–7

Public Law 96–193—Feb. 18, 1980, 94 Stat. 50)

Aviation Safety and Noise Abatement Act of 1979

* * * * *

Title III

Definitions

Sec. 301. For purposes of this title—

(1) the term "noncomplying aircraft" means any civil subsonic turbojet power aircraft (A) which (i) has a maximum certificated takeoff weight of 75,000 pounds or more, and (ii) in the case of an aircraft registered in the United States, has a standard airworthiness certificate issued pursuant to section 603(c) of the Federal Aviation Act of 1958 (49 U.S.C. 1423), and (B) which does not comply with the noise standards prescribed for new subsonic aircraft in regulations issued by the Secretary, acting through the Administrator of the Federal Aviation Administration (14 CFR part 36), as such regulations were in effect on January 1, 1977; and

(2) the term "Secretary" means the Secretary of Transportation.

Compliance for International Carriers

Sec. 302. (a) If, by January 1, 1980, the International Civil Aviation Organization (hereafter referred to as "ICAO") does not reach an agreement (1) which adopts the noise standards prescribed for new subsonic aircraft in regulations issued by the Secretary, acting through the Administrator of the Federal Aviation Administration (14 CFR part 36), as such regulations were in effect on January 1, 1977, or (2) on noise standards and an international schedule for compliance with ICAO Noise Standards (annex 16) which are substantially compatible with the standards set forth in such regulations issued by the Secretary (14 CFR parts 36 and 91), the Secretary, acting through the Administrator, shall commence a rulemaking to require all air carriers and foreign air carriers engaging in foreign air transportation to comply with the noise standards set forth in such regulations (14 CFR parts 36 and 91) or with ICAO Noise Standards (annex 16) which are substantially compatible with the standards set forth in such regulations issued by the Secretary (14 CFR parts 36 and 91) during the 5-year period thereafter, at a phased rate of compliance similar to that in effect for aircraft registed in the United States. The requirement applied to air carriers engaging in foreign air transportation shall not be more stringent than those applied to foreign air carriers. Such rulemaking shall be concluded within 120 days.

(b) If, prior to January 1, 1980, the International Civil Aviation Organization reaches an agreement on noise standards that complies with clause (a)(1) of (a)(2) of this section, the Secretary, acting through the Administrator of the Federal Aviation Administration, shall immediately commence a rulemaking to require all air carriers and foreign air carriers engaging in foreign air transportation, to comply with the noise standards set forth in such agreement at a phased rate of compliance similar to that in effect for aircraft registered in the United States. The requirement applied to air carriers engaging in foreign air transportation shall not be more stringent than those applied to foreign air carriers. Such rulemaking shall be concluded within 120 days.

New Technology Aircraft Incentive

Sec. 303. (a) The Secretary shall provide an exemption from applicable noise standards to permit the operation of any noncomplying three-engine aircraft, but not beyond January 1, 1985, if (1) the operator of such aircraft has a plan for the replacement of such aircraft which has been approved by the Secretary, and (2) the operator of such aircraft has entered into a binding contract by January 1, 1983, for delivery prior to January 1, 1985, of a replacement aircraft which meets, at a minimum, the noise standards for new type certificated aircraft set forth in regulations issued by the Secretary, acting through the Administrator of the Federal Aviation Administration, on March 2, 1978 (F.R. Vol. 43, p. 8722, et seq.).

(b) The Secretary shall provide an exemption from applicable noise standards to permit the operation of any noncomplying two-engine aircraft, but not beyond January 1, 1986, if (1) the operator of such aircraft has a plan for the replacement of such aircraft which has been approved by the Secretary, and (2) the operator of such aircraft has entered into a binding contract by January 1, 1983, for delivery prior to January 1, 1986, of a replacement aircraft which meets, at a minimum, the noise standards for new type certificated aircraft set forth in regulations issued by the Secretary, acting through the Administrator of the Federal Aviation Administration, on March 2, 1978 (F.R. Vol. 43, p. 8722, et seq.).

Small Community Service Exemption

Sec. 304. (a) The Secretary shall provide an exemption from applicable noise standards to any person operating a noncomplying two-engine aircraft to permit such person to operate such aircraft.

(b) Any exemption issued pursuant to this section shall terminate on whichever of the following dates first occurs:

(1) in the event such operator sells or otherwise disposes of such aircraft to another person on or after January 1, 1983, on the date

such aircraft is delivered to such other person;

(2) in the case of an aircraft with a seating configuration of 100 passenger seats or less, on January 1, 1988; or

(3) in the case of an aircraft with a seating configuration of more than 100 passenger seats, on January 1, 1985.

(c) For the purposes of subsection (b) of this section, the seating configuration of an aircraft shall be the seating configuration that existed on such aircraft on December 1, 1979, or such earlier date as the Secretary may establish in individual cases.

Tradeoff Allowance

Sec. 305. Notwithstanding any other provision of law or any rule, regulation, or order issued pursuant thereto, the tradeoff provisions contained in appendix C of part 36 of title 14 of the Code of Federal Regulations shall apply in determining whether any aircraft complies with the provisions of subpart E of part 91 of title 14 of the Code of Federal Regulations.

* * * * *

[FR Doc. 80-11082 Filed 4-11-80; 8:45 am]

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federal register

Monday
April 14, 1980

Part IV

Department of Health, Education, and Welfare

National Institutes of Health

Recombinant DNA Research; Actions Under Guidelines

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

Recombinant DNA Research; Actions Under Guidelines

AGENCY: National Institutes of Health, PHS, HEW.

ACTION: Notice of actions under NIH guidelines for research involving recombinant DNA molecules.

SUMMARY: This notice sets forth actions taken by the Director, NIH, under the 1980 NIH Guidelines for Research Involving Recombinant DNA Molecules (45 FR 6724).

EFFECTIVE DATE: April 14, 1980.

FOR FURTHER INFORMATION CONTACT: Additional information can be obtained from Dr. William J. Gartland, Office of Recombinant DNA Activities (ORDA), National Institutes of Health, Bethesda, Maryland 20205. (301) 496–6051.

SUPPLEMENTARY INFORMATION: I am promulgating today several major actions under the NIH Guidelines for Research Involving Recombinant DNA Molecules. These proposed actions were published for comment in the **Federal Register** of January 31, 1980, and reviewed and recommended for approval by the Recombinant DNA Advisory Committee (RAC) at its meeting on March 6–7, 1980. In accordance with Section IV–E–1–b of the NIH Guidelines, I find that these actions comply with the Guidelines and present no significant risk to health or the environment.

Part I of this announcement provides background information on the actions. Part II provides a summary of the major actions.

I. Decisions on Actions Under Guidelines

I–A. Amendment of Section III–O of the Guidelines

In response to a letter of December 21, 1979, from Dr. Stuart Levy of Tufts University the following notice appeared in the **Federal Register** of January 31, 1980:

"Dr. Stuart Levy of Trufts University School of Medicine has recommended an amendment to Section III–O of the Proposed Revised Guidelines (44 FR 69210). Dr. Levy notes that the plasmid studied in his risk-assessment studies was a nonconjugative poorly mobilizable plasmid. He suggests that a distinction be made between nonconjugative plasmids and nonconjugative plasmids which are also poorly mobilizable; such as amendment would provide additional biological containment. The relevant portion of Section III–O of the Proposed Revised Guidelines which would be amended reads as follows:

* * * Other experiments using *E. coli* K–12 shall use P1 physical containment and, except as specified in the last paragraph of this section, an EK1 host-vector system (i.e., (a) the host shall not contain conjugation-proficient plasmids or generalized transducing phages, and (b) lambda or lambdoid bacteriophages or nonconjugative plasmids shall be used as vectors)* * *. The amended section proposed by Dr. Levy would read as follows (amended text in italic):

* * * Other experiments using *E. coli* K–12 shall use P1 physical containment and, except as specified in the last paragraph of this section, an EK1 host-vector system (i.e., (a) the host shall not contain conjugation-proficient plasmids or generalized transducing phages, and (b) *lambda or lambdoid bacteriophages or nonconjugative poorly mobilizable (able to be mobilized at a frequency of less than 10^{-5} by a derepressed conjugative plasmid in the same cell) plasmids shall be used as vectors)** * *."

No comments were received during the thirty day comment period.

This proposed amendment to the language of Section III–O was considered by the RAC at its March 6–7, 1980 meeting. In the discussion it was pointed out that insertion into the Guidelines of the requirement for a "poorly mobilizable" plasmid would then necessitate specification of what tests, under which conditions, must be performed to show that a particular plasmid was or was not "poorly mobilizable." Instead the RAC recommended by a vote of eleven in favor, none opposed and five abstentions, that reference to a new footnote be added to Section III–O, the footnote to read as follows:

"A subset of non-conjugative plasmid vectors are also poorly mobilizable (e.g., pBR322, pBR313). Where practical, these vectors should be employed."

I accept this recommendation.

I–B. Proposed Amendment of Section III–O of the Guidelines

In response to suggestion made in a letter of December 27, 1979, from Dr. Kent Wilcox of the Medical College of Wisconsin, a notice proposing to amend the language of Section III–O was published in the **Federal Register** of January 31, 1980. The relevant part of Section III–O currently reads as follows:

"* * * An exception, however, which does require prior review and approval by the IBC is any experiment in which there is a deliberate attempt to have the *E. coli* K–12 efficiently express any gene coding for a eukaryotic protein.* * *"

Dr. Wilcox suggests that for clarity, this sentence be modified to read as follows:

"* * * An exception, however, which does require prior review and approval by the IBC is any experiment in which there is a deliberate attempt to have the *E. coli* K–12 efficiently express as a protein product the information carried in any gene derived either from a eukaryotic organism or from any virus or viroid which infects a eukaryotic organism.* * *"

During the thirty day comment period, no comments were received.

At the RAC meeting on March 6–7, 1980, it was agreed that the proposed new wording clarifies the intent of this sentence. A motion accepting this amendment to the language of Section III–O was passed by the RAC by a vote of eighteen in favor, none opposed and no abstentions.

I accept this recommendation.

I–C. Request to Include all Species of the Genus Erwinia in Appendix A, Sublist A

In response to a letter of December 27, 1979, the following notice appeared in the **Federal Register** of January 31, 1980:

"In response to the proposed revised Guidelines published in the **Federal Register** on November 30, 1979 (44 FR 69210), Dr. Clarence Kado of the University of California, Davis, has requested that the NIH consider the inclusion of all *Erwinia* species in Sublist A, Appendix A. Currently only one *Erwinia* species, *E. amylovora*, is included on the list. Dr. Kado suggests that consideration be given to all *Erwinia* species on the basis of an exchange of genetic material by natural means with *E. coli* and a 20% DNA–DNA homology of *E. coli* with *Erwinia* species."

During the thirty day comment period no comments were received.

At the RAC meeting of March 6–7, 1980, the data submitted by Dr. Kado were reviewed. By a vote of fourteen in favor, none opposed and three abstentions the RAC accepted a motion to change the entry in Appendix A, Sublist A of the Guidelines from "*Erwinia amylovora*" to "*Genus Erwinia.*"

I accept this recommendation.

I–D. Request for Approval To Clone Exotoxin A Gene of Pseudomonas Aeruginosa

In a letter of November 19, 1979, Dr. C. W. Shuster of Case Western Reserve University requested that the RAC consider the status under the Guidelines of cloning the exotoxin A gene of *Pseudomonas aeruginosa* in *Escherichia coli.* At its December 6–7, 1979 meeting, the RAC indicated that Dr. Shuster's request appeared to require an exception to a prohibition. Accordingly, the following notice was published in the January 31, 1980 **Federal Register** for a thirty day comment period:

"Dr. C. W. Shuster of Case Western Reserve University has requested the RAC to consider whether the cloning of the exotoxin

A gene of *Pseudomonas aeruginosa* in *E. coli* K–12 is permitted. Under exemption I–E–4, *P. aeruginosa* and genus *Escherichia* are listed in Appendix A, Sublist A.

However, according to Section I–E, Exemptions:

It must be emphasized that the following exemptions (4) are not meant to apply to experiments described in the Sections I–D–1 to I–D–5 as being prohibited.

Section I–D–2 prohibits:

Deliberate formation of recombinant DNA's containing genes for the biosynthesis of toxins potent for vertebrates (2A) (e.g., botulinum, diphtheria toxins; venoms from insects, snakes, etc).

Dr. Shuster notes that exotoxin A and *P. aeruginosa* are safe under normal laboratory conditions. *P. aeruginosa* is an opportunistic pathogen and exotoxin A is only one of a series of virulence factors necessary to produce pathogenicity. This request was presented to the RAC at its December 6–7, 1979 meeting. At that time, the RAC felt that approval of the proposed experiments appeared to require an exception to a prohibition. Accordingly, the request is being published in the **Federal Register** for a thirty day comment period prior to being reconsidered by the RAC at its March 6–7, 1980 meeting."

Prior to the March 6–7, 1980 RAC meeting, two additional requests for permission to perform similar experiements were received.

Dr. Stanley Falkow of the University of Washington requested permission to clone the exotoxin A gene. His long letter of January 18, 1980 included the following arguments: (1) *Pseudomonas aeruginosa* is ubiquitous in nature. (2) *Pseudomonas aeruginosa* does not ordinarily cause disease in healthy individuals. It is a CDC Class 1 agent. (3) Exotoxin A is only one factor in the virulence of *Pseudomonas aeruginosa*. (4) *Pseudomonas aeruginosa* exotoxin A is far less toxic (1 mg. = 5×10^3 mouse LD50 doses) than toxins such as *Clostridium botulinum* a toxic (1 mg. = 1.8×10^8 mouse LD50 doses).

Dr. James Miller of the University of Louisville, Kentucky, in a letter of January 18, 1980, requested permission to clone the *Pseudomonas aeruginosa* exotoxin A gene in *Pseudomonas aeruginosa*.

The RAC at its March 6–7, 1980 meeting once again considered this item. The importance of such experiments for understanding bacterial pathogenicity was stressed. It was agreed that *Pseudomonas aeruginosa* exotoxin A is not as potent a toxin as botulinum or diphtheria toxin. A motion that *Pseudomonas aeruginosa* exotoxin A not be considered a potent toxin, and therefore not be covered under Prohibition I–D–2 passed by a vote of seven in favor, two opposed and ten abstentions. Following the vote it was pointed out that: (a) This would allow total exemption from the Guidelines under Sections I–E–3 and I–E–4 respectively for the cloning of the *Pseudomonas aeruginosa* exotoxin A gene in *Pseudomonas aeruginosa* and *Escherchia coli;* and (b) this was more than any of the investigators were actually requesting. A motion to reconsider the previous vote passed by a vote of fifteen in favor, non opposed and two abstentions. A motion to permit the cloning of *Pseudomonas aeruginosa* exotoxin A in *E. coli* K–12 at Pl + EK1 containment passed by a vote of fourteen in favor, non oppossed, and three abstentions.

I–E. Classification of Plant Pathogens

The following notice appeared in the **Federal Register** of January 31, 1980:

"In response to the proposed revised Guidelines for Research Involving Recombinant DNA Molecules published in the **Federal Register** on November 30, 1979 (44 FR 69210), M.T. Goff, Animal and Plant Health Inspection Service, United States Department of Agriculture, has proposed that a classification of plant pathogens be included in the Guidelines. Philip D. Harriman, National Science Foundation, has also submitted a similar proposal. Messrs. Goff and Harriman request that a portion of the Report of a Workshop on Risk Assessment of Agricultural Pathogens, dealing with a hazard classification of plant pathogens, be included in the Guidelines. This Workshop was held on March 20–21, 1978, and the report appeared as Appendix G to the Environmental Impact Assessment which accompanied proposed revised Guidelines published for comment in the **Federal Register** of July 28, 1978 (43 FR 33042). Specifically, they request that the following classification be added to Appendix B of the Guidelines:

IV. Plant Pathogens.

Class 1A Agents—Plant pathogens not in Class 1B.

Class 1A Agents—All organisms that are subject to quarantine restrictions for any of the following reasons:

(i) Plant pathogens not known to occur in the United States.

(ii) Plant pathogens that are not widely distributed throughout the ecological range of their hosts in the United States.

(iii) Plant pathogens subject to U.S. Federal or State eradication or suppression programs.

A USDA permit [2] is required to import or to move plant pathogens across State lines.

Footnotes 2 of Appendix B of the proposed revised Guidelines reads as follows:

USDA permit also required for import and interstate transport.

It is proposed that this footnote be modified to read as follows in order to serve as a single footnote for both animal and plant pathogens:

[2] A USDA permit, required for import and interstate transport of pathogens, may be obtained from the Animal and Plant Health Inspection Service, USDA, Federal Building, Hyattsville, MD 20782.

During the thirty day comment period, no comments were received.

The RAC discussed this item at its March 6–7, 1980 meeting, and determined that the addition of the proposed classification of plant pathogens to Appendix B of the Guidelines was unnecessary. Rather, the RAC suggested by a vote of twenty in favor, none opposed, and no abstentions, that the footnote

A USDA permit, required for import and interstate transport of pathogens, may be obtained from the Animal and Plant Health Inspection Service, USDA, Federal Building, Hyattsville, MD 20782."

be added to Section V of the Guidelines and cited wherever the Guidelines refer to plant pathogens.

I accept this recommendation.

I–F. Request for Consideration of Appropriate Containment Conditions

The following notice was published in the **Federal Register** of January 31, 1980:

"Dr. Olen Yoder of Cornell University has asked the RAC to consider the appropriate containment level for the return of *Helminthosporanium maydis* DNA, which has been cloned in *Saccharomyces cerevisiae,* to the host of origin."

During the thirty day comment period, no comments were received.

The RAC at its March 6–7, 1980 meeting discussed this proposal. *Helminthosporanium maydis* is a fungus which grows on corn. Work will be done with the strain called race O. The vector will be the hybrid *E. coli*-yeast plasmid Ylp5. This is a "return to host of origin" type experiment with the intermediate host being yeast strain SHY2. The RAC by a vote of eight in favor, none opposed and nine abstentions accepted a P2 level of containment for the proposed experiments.

I accept this recommedation.

I–G. Request for Consideration of Appropriate Containment Conditions

In response to a request of December 13, 1979 to set containment conditions for experiments involving *Schizophyllum commune,* the following notice was placed in the **Federal Register** of January 31, 1980:

"Dr. Marvin Schwalb of New Jersey Medical School has requested that the RAC consider the containment levels appropriate to the return of *Schizophyllum commune* DNA cloned in *Saccharomyces cerevisiae* to *Schizophyllum commune.* In addition, Dr. Schwalb requests permission to clone the *S. cerevisiae* derived vector YR414/ura 3 and

the *Saccharomyces* 2 mu plasmid containing yeast or *S. commune* sequences in *S. commune."*

During the thrity day comment period, no comments were received.

The RAC at its March 6–7, 1980 meeting discussed this item. It was noted that *Schizophyllum commune* is a nonpathogenic saprophytic basidomycete which occurs widely in nature. The proposed experiments were judged to pose no hazard. The RAC by a vote of eighteen in favor, none opposed and one abstention, accepted a P2 level of containment for the proposed experiments.

I accept this recommendation.

I–H. Request for Consideration of Appropriate Containment Conditions

In response to a request of December 7, 1979, to clone *Wangiella dermatitidis* DNA, the following notice was published in the **Federal Register** of January 31, 1980:

"Dr. Charles Jacobs of the University of Texas at Austin has requested permission from the RAC to clone *Wangiella dermatitidis* DNA in *Wangiella dermatitidis* using *Saccharomyces/E. coli* hybrid plasmids as vectors. Dr. Jacobs requests that the RAC assess appropriate containment conditions."

During the thirty day comment period, no comments were received.

The RAC discussed this item during its March 6–7, 1980 meeting. *Wangiella dermatitidis* is a fungus which can in rare instances cause a deep mycosis in humans. It is classified by the Center for Disease Control as a Class 2 agent. This is essentially a "return to host of origin" type experiment. With the proviso that a HV2 certified *Saccharomyces/E. coli* hybrid plasmid vector be employed in the experiments, the RAC by a vote of ten in favor, none opposed and four abstentions recommended that the experiments be approved at the P3 level of containment.

I accept this recommendation.

I–I. Proposed Exemption for Streptococcus Mutans and Streptococcus Sanguis

The following notice was published in the **Federal Register** of January 31, 1980:

"Dr. Francis Macrina of the Virginia Commonwealth University has proposed that *Streptococcus mutans* and *Streptococcus sanguis* be included under the exemption category of Section I–E–4 of the Guidelines on the basis that these bacteria have been shown to exchange chromosomal DNA by known physiological processes. These two organisms would then constitute a new Sublist of Appendix A."

No comments were received during the thirty day comment period.

At the March 6–7, 1980 meeting, the RAC discussed the data submitted by the investigator in support of his request. It was agreed that the documentation is good showing natural genetic exchange of chromosomal genes from *Streptococcus mutans* to *Streptococcus sanguis*. It was pointed out that the Director, NIH, had previously endorsed the concept of "one-way lists" for Appendix A (**Federal Register**, December 22, 1978, Page 60100). The RAC recommended by a vote of nineteen in favor, none opposed, and no abstentions, that a new sublist be added to Appendix A of the Guidelines exempting recombinant DNA experiments involving the one-way transfer of *Streptococcus mutans* DNA into *Streptococcus sanguis*.

I accept this recommendation.

I–J. Proposed Revision of Section III–C–1–e and Its Subsections

The following notice appeared in the **Federal Register** of January 31, 1980:

"The proposed revised Guidelines (44 FR 69210), in Appendix C, cite a limited exemption, under Section I–E–5, for certain recombinant DNA experiments in tissue culture:

Under exemption I–E–5 of these Revised Guidelines are those recombinant DNA molecules that are propagated and maintained in cells in tissue culture and that are derived entirely from non-viral components (that is, no component is derived from a eukaryotic virus).

This exemption was promulgated in the **Federal Register** of July 20, 1979 (44 FR 42914). In its original formulation (44 FR 22314), the exemption proposed to include recombinant DNA molecules that contain no more than one-fourth of the genome of a eukaryotic virus. At its December 6–7, 1979 meeting, Dr. Wallace Rowe submitted a document requesting that the RAC reconsider the question of allowing exemption for tissue culture experiments involving recombinant molecules containing no more than one-fourth of the genome of a virus. A working group was appointed to make recommendations for consideration at the March 6–7, 1980 meeting. It has been recommmended that Sections III–C–1–e, III–C–1–e–(1), III–C–1–e–(1)–(a), and III–C–1–e–(1)–(b) of the Guidelines be changed and that a new Section III–C–1–e–(1)–(c) be added. Section III–C–1–e–(2) would remain unchanged. The proposed revised sections would read as follows:

III–C–1–e. All Viral Vectors.

III–C–1–e–(1). Other experiments involving eukaryotic virus vectors can be done as follows:

III–C–1–e–(1)–(a). Recombinant DNA molecules containing no more than two-thirds of the genome of any eukaryotic virus (all viruses from a single Family being considered identical) may be propagated and maintained in cells in tissue culture in the absence of helper vurus using P1 containment. The DNA may contain fragments of the genomes of viruses from more than one Family but each fragment must be less than two-thirds of a genome. For such experiemnts, no MUA need be submitted but prior notice must be given to the IBC as described in Section III–O of the Guidelines. The IBC should handle such registration documents as described in Section III–O.

III–C–1–e–(1)–(b). Recombinants with less than two-thirds of the genome of any eukaryotic virus may be rescued with helper virus using P2 containment if wild type strains of the helper virus are not able to grow in human cells.

III–C–1–e–(1)–(c). Recombinants with less than two-thirds of the genome of any eukaryotic virus may be rescued with helper virus using P3 containment if wild type strains of the helper virus are not able to grow in human cells.

During the thirty day comment period no comments were received.

At the March 6–7, 1980 meeting, the RAC discussed this proposal. In support of the proposal it was stated that there is no experimental evidence to date that any eukaryotic virus can dispense with one-third of its genetic information and replicate autonomously or that less than two-thirds of viruses from different Families can fully complement each other's genetic composition.

During the discussion it was recommened that the proposed Section III–C–1–e–(1)–(a) as published in the **Federal Register** on January 31, 1980 should be further modified in two ways:

The last two sentences of proposed Section III–C–1–e–(1)–(a) should be deleted. (Deletion means a more conservative review procedure for these experiments).

In the first sentence, the words "in the absence of helper virus" should be deleted. A new second sentence should be added as follows: "It must be shown that the cells lack helper virus for the specific Families of the defective viruses being used." (This change means a more conservative standard concerining the presence of helper viruses.)

A motion that RAC accept Sections III–C–1–e, III–C–1–e–(1), as III–C–1–e–(1)–(a) as published in the **Federal Register** on January 31, 1980, with the two modifications in Section III–C–1–e–(1)–(a) as noted above, passed by a vote of thirteen in favor, three opposed, and five abstentions. A vote to defer consideration until the next RAC meeting of the proposed new Sections III–C–1–e–(1)–(b) and III–C–1–e–(1)–(c) as published in the **Federal Register** on January 31, 1980 passed by a vote of

thirteen in favor, five opposed and one abstention.

During the discussion it was also suggested that in Section III–C–1–e–(1)–(a), after the word "Family," reference to footnote 36 be added, and that footnote 36 be revised to make reference to the third report of the International Committee on Taxonomy of Viruses.

I accept the recommendations of the RAC, i.e., Footnote 36 will be revised and new Sections III–C–1–e, III–C–1–e–(1), and III–C–1–e–(1)–(a) as recommended by the RAC at their March 6–7, 1980 meeting will replace the previous Sections so numbered. Sections III–C–1–e–(1)–(b) and III–C–1–e–(2) remain identical in wording (**Federal Register**, January 29, 1980), but they now fall under a new heading III–C–1–e. "All Viral Vectors," rather than as previously III–C–1–e. "All Other Potential Viral Vectors."

In addition for clarification, I am adding reference to a new footnote 50 in Section III–C–1–e–(1)–(a) after the words "* * * considered identical)." Footnote 50 will read "i.e. the total of all genomes within a Family shall not exceed two-thirds of the genome."

II. Summary of Major Actions Under Guidelines

II–A. Amendment of Section III–O of the Guidelines and New Footnote 49

A new footnote 49 is added to section V of the Guidelines, as follows:

"[49] A subset of non-conjugative plasmid vectors are also poorly mobilizable (e.g., pBR322, pBR313). Where practical, these vectors should be employed."

The fourth paragraph of Section III–O of the Guidelines is modified to add reference to Footnote 49, as follows:

"Other experiments using E. coli K–12 shall use P1 physical containment and, except as specified in the last paragraph of this section, an EK1 host-vector system [i.e., (a) the host shall not contain conjugation-proficient plasmids or generalized transducing phages, and (b) lambda or lambdoid bacteriophages or non-conjugative plasmids[49] shall be used as vectors]. For these experiments * * *"

II–B. Amendment of Section III–O of the Guidelines

Section III–O (fourth paragraph, last sentence) of the Guidelines is amended to change the words "* * * have the *E. coli* K–12 efficiently express any gene coding for a eukaryotic protein." to "* * * have the *E. coli* K–12 efficiently express as a protein product the information carried in any gene derived either from a eukaryotic organism or from any virus or viroid which infects a eukaryotic organism."

II–C. Inclusion of Genus Erwinia in Appendix A, Sublist A

The entry "*Erwinia amylovora*" in Appendix A, Sublist A of the Guidelines is changed to "Genus *Erwinia*."

II–D. Approval to Clone Exotoxin Gene of Pseudomonas Aeruginosa

Added to Appendix E of the Guidelines is the following: "Permission is granted to clone the Exotoxin A gene of *Pseudomonas aeruginosa* under P1 + EK1 conditions in *Escherchia coli* K–12 and under P1 conditions in *Pseudomonas aeruginosa*."

II–E. New Footnote 48 Concerning Plant Pathogens

A new footnote 48 is added to Section V of the Guidelines, as follows:

"[48] A USDA permit, required for import and interstate transport of pathogens, may be obtained from the Animal and Plant Health Inspection Service, USDA, Federal Building, Hyattsville, MD 20782."

Reference to footnote 48 is added as given below to the following sections of the Guidelines:

"I–D–3. Deliberate creation by the use of recombinant DNA of a plant pathogen (48) with increased virulence and host range beyond that which occurs by natural genetic exchange (2A)."

"III–A–2–a–(1)–(a)–(*l*). Adeno-Associated Viruses, Minute Virus of Mice, Mouse Adenovirus (Strain FL) and Plant Viruses (48) * * *"

"III–A–2–a–(2)–(e). RNA Plant Viruses and Plant Viroids (48) * * *"

"III–C–4. Plant Host-Vector Systems Other than Viruses (48) * * *"

In addition the footnote given at the bottom of the first column of pg. 6748 of the Guidelines (**Federal Register**, January 29, 1980) is changed to:

"A USDA permit, required for import and interstate commerce of pathogens, may be obtained from the Animal and Plant Health Inspection Service, USDA, Federal Building, Hyattsville, MD. 20782."

II–F. Return of Helminthosporanium Maydis DNA to Helminthosporanium Maydis

Added to Appendix E of the Guidelines is the following:

"Permission is granted to return to the host of origin *Helminthosporanium maydis* (race O) DNA which has been cloned in yeast strain SHY2 using the hybird *E. coli*—yeast plasmid Y1p5. The cloned DNA may be returned, to and propagated in, *Helminthosporanium maydis* at the P2 level of physical containment."

II–G. Return of Schizophyllum Commune and Saccharomyces Cerevisiae DNA to Schizophyllum Commune

Added to Appendix E of the Guidelines is the following:

"Permission is granted to return *Schizophyllum commune* DNA (or yeast DNA) cloned in *Saccharomyces cerevisiae* with YR or 2 mu circle vectors to *Schizophyllum commune*. The cloned DNA may be retunred to, and propagated in, *Schizophyllum commune* at the P2 level of physical containment."

II–H Return of Wangiella Dermatitidis DNA to Wangiella Dermatitidis

Added to Appendix E of the Guidelines is the following:

"Permission is granted to return *Wangiella dermatitidis* DNA to *Wangiella dermatitidis* using an HV2 certified *Sacchromyces/E. coli* hybrid vector. The *Wangiella dermatitidis* may be propagated at the P3 level of physical containment."

II–I. Streptococcus Mutans and Streptococcus Sanguis as a New Sublist in Appendix A

A new sublist is added to Appendix A of the Guidelines as follows:

"Sublist E—One way transfer of *Streptococcus mutans* DNA into *Streptococcus sanguis*."

II–J. Revision of Guidelines Section III–C–1–e and Its Subsections

Revision of Footnote 36. Addition of New Footnote 50. A new footnote number 50 is added to Section V of the Guidelines as follows:

"[50] i.e. the total of all genomes within a Family shall not exceed two-thirds of the genome."

Footnote 36 of Section V of the Guidelines is revised by changing the first sentence to:

"As classified in the Third Report of International Committee on Taxonomy of viruses: Classification and Nomenclature of Viruses, R. E. F. Matthews, Ed. Intervirology 12 (129–296) 1979."

Section III–C–1–e, III–C–1–e–(1) and III–C–1–e–(1)–(a) of the Guidelines are revised as follows:

"III–C–1–e, All Viral Vectors.

III–C–1–e–(1). Other experiments involving eukaryotic virus vectors can be done as follows:

III–C–1–e–(1)(a). Recombinant DNA molecules containing no more than two-thirds of the genome of any eukaryotic virus [all viruses from a single Family (36) being considered identical (50)] may be propagated and maintained in cells in tissue culture using P1 containment. For such experiments, it must be shown that the cells lack helper virus for the specific Families of defective viruses being used. The DNA may contain fragments of the genomes of viruses from more than one

Family but each fragment must be less than two-thirds of a genome."

Additional Change in the Guidelines

In addition to the changes in the Guidelines recommended at the March 6–7 RAC meeting, one further change is hereby promulgated to correct a printing error. Section IV–D–1–c was printed incorrectly in the **Federal Register** of January 29, 1980 (45 FR 6739) where it therefore incorrectly appears that the "Note" within the Section consists of two sentences. Actually the Note should consist of only one sentence, the succeeding sentence not being part of the Note. Section IV–D–1–c had been printed correctly in the **Federal Register** of November 30, 1979 (44 FR 69225). The correct version of Section IV–D–1–c is as follows:

"IV–D–1–c. Submit, for each recombinant DNA project that meets with its approval, a Memorandum of Understanding and Agreement (MUA) to the funding agency for approval and registration. (Note: No MUA is required for experiments described in Section III–O). All projects, however, can proceed upon IBC approcal (before submission of the MUA to the funding agency) except for the following, which require prior approval by NIH (or other funding agency designated by NIH for this purpose):"

Dated: April 8, 1980.

Donald S. Fredrickson,

Director, National Institutes of Health.

[FR Doc. 80–11097 Filed 4–11–80; 8:45 am]

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
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DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLSDC	HEW/FDA		DOT/SLSDC	HEW/FDA
DOT/UMTA			DOT/UMTA	
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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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REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Rules Going Into Effect Today

FEDERAL COMMUNICATIONS COMMISSION

16192 3–13–80 / FM broadcast station in Washburn, Wisc.; changes in table of assignments

PERSONNEL MANAGEMENT OFFICE

16455 3–14–80 / Adoption of final master plan for alternative work schedule experiments

List of Public Laws

Last Listing April 11, 1980

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

H.R. 5794 / Pub. L. 96–232 To designate the building known as the Federal Building in Evansville, Indiana, as the "Winfield K. Denton Building". (Apr. 10, 1980; 94 Stat. 331) Price $1.00.

S.J. Res. 97 / Pub. L. 96–233 Designating April 13 through April 19 as "Days of Remembrance of Victims of the Holocaust". (Apr. 10, 1980; 94 Stat. 332) Price $1.00.



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