Highlights

19209 Development Assistance for Panama
Presidential determination

19211 Sale of Defense Articles and Services to
Dominica, St. Lucia, and St. Vincent Presidential
determination

19524 Adult Jails and Lock-ups Justice/LEAA requests
comments on proposed guidelines for removing
children; comments by 4-25-80 (Part IV of this
issue)

19530 Senior Community Service Employment Program
Labor/Sec'y proposes rules to improve program;
comments by 6-23-80 (Part V of this issue)

19266 Confined Work Spaces Labor/OSHA requests
information of value in development of standards
for entry to, work in and rescue from confined
spaces in construction; comments by 5-31-80

19216 Federal Reserve FRS issues rules regarding
reserve requirements, deposit interest rate
limitations, and advances of credit; effective 9-4-80

19222 Mutual Mortgage Insurance and Insured Home
Improvement Loans HUD/FG issues rules;
effective 4-24-80

CONTINUED INSIDE
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Highlights

19247. International and Domestic Telex and TWX Services

FCC issues rule and request comments on proposed detariff of telex terminal equipment; order effective 3-25-80, comments on proposal by 4-30-80, reply comments by 5-30-80 (2 documents)

19215 Nuclear Material

NRC extends dates for submitting security plans for physical protection of special material of moderate and low strategic significance; effective 3-25-80

19283 1980 Urbanized Area

Commerce/Census proposes criteria for use in determining eligibility and definition; comments by 6-23-80

19263 International Air Cargo

CAB extends comment period proposing policy allowing rate changes within specified ceiling without review; comments by 4-9-80

19223 Low-Income Public Housing Program

HUD/Soc'y publishes revised schedule of prototype cost limits; effective 3-25-80

19214 Nonimmigrant Canadian Nationals

Justice/INS revises rules relating to documentary requirements; effective 3-25-80

19246 Canadian or United States Origin Cargo

FMC exempts all common carriers by water from tariff filing requirements; effective 3-25-80

19313 Privacy Act Documents

FCC

19422 Sunshine Act Meetings

Separate Parts of This Issue

19502 Part II, OPM

19520 Part III, FTC

19524 Part IV, Justice/LEAA

19530 Part V, Labor/Soc'y
The President

ADMINISTRATIVE ORDERS

19209 Panama, development assistance (Presidential Determination No. 80-13 of March 10, 1980)

19211 Dominica, St. Lucia, and St. Vincent, sale of defense articles and services (Presidential Determination No. 80-14 of March 13, 1980)

Executive Agencies

Agricultural Marketing Service

RULES

19213 Almonds grown in Calif.

Agriculture Department
See Agricultural Marketing Service; Food Safety and Quality Service.

Air Force Department

RULES

19231 Appointment of officers to Regular Air Force

Alcohol Fuels, National Commission

NOTICES

19409, 19410 Meetings (4 documents)

Census Bureau

NOTICES

19283 Urbanized area definition (1980); criteria

Center for Disease Control

NOTICES

Committees; establishment, renewals, terminations, etc.:

19315 CDC Programs and Policies Advisory Committee (Ad Hoc)

Civil Aeronautics Board

PROPOSED RULES

19263 International air cargo rate changes; policy statement; extension of time

NOTICES

Hearings, etc.:

19283 Former large irregular air service investigation

Commerce Department
See also Census Bureau; International Trade Administration; National Oceanic and Atmospheric Administration.

NOTICES

Meetings:

19290 Commerce Technical Advisory Board

Organization and functions:

19290 Economic Development, Assistant Secretary

19290 Economic Development Administration

19292 National Oceanic and Atmospheric Administration

Commodity Futures Trading Commission

NOTICES

19422 Meetings; Sunshine Act

Conservation and Solar Energy Office

PROPOSED RULES

19253 Lighting efficiency standards for existing buildings, minimum criteria; inquiry

Customs Service

NOTICES

19420 Tariff reclassification petitions:

19228 Civilian health and medical program of uniformed services (CHAMPUS); CT scans; guidelines clarifying medical indications

19227 Personnel security program

Meetings:

19296 Audit, Inspection and Investigative Components Evaluation Task Force

19296 Wage Committee

19295 Women in Services Advisory Committee

Economic Regulatory Administration

NOTICES

19298 Consent orders:

19296 Energy Supply and Environmental Coordination Act prohibition orders, rescissions, etc.:

19297 International Paper Co.

Powerplant and industrial fuel use; existing powerplant or installation; classification requests:

19297 Sunflower Electric Cooperative, Inc.

Employment and Training Administration

NOTICES

Unemployment compensation; extended benefit periods:

19408 Indiana

19408 Wisconsin

Energy Department

Environmental Protection Agency

RULES

19231 Air quality implementation plans; approval and promulgation; various States, etc.:

19245 Electroplating; correction

PROPOSED RULES

19278 Air quality implementation plans; approval and promulgation; various States, etc.
Texas Pesticide chemicals in or on raw agricultural commodities:

Propanil

NOTICES

Air quality implementation plans; approval and promulgation:

Prevention of significant air quality deterioration (PSD); permit approvals (7 documents)

Pesticide registration, cancellation, etc.

2,4,5-T and Silvex

Toxic and hazardous substances control:

Premanufacture notices receipts; extension of review period

Environmental Quality Council

NOTICES

Environmental effects abroad of major Federal actions; EO 12114 implementation; progress reports

National Environmental Policy Act; implementation; progress reports

Non-coal minerals mining and reclamation; report availability; hearing and inquiry; extension of time

Environmental Quality Council

NOTICES

Environmental statements; availability, etc.

San Buenaventura (Ventura) downtown redevelopment shopping center, Calif. et al.

Federal Communications Commission

RULES

Common carrier services:

Telex services; interface of international, domestic, and TWX networks; unified rate structure change

PROPOSED RULES

Common carrier services:

Telex services; interface of international, domestic, and TWX networks; detariffing of terminal equipment

Radio stations; table of assignments

Illinois; extension of time

NOTICES

AM broadcast applications ready and available for processing

Hearings, etc.

Columbia Broadcasting Corp. et al.

Good Times, Inc., et al.

Muncie Broadcasting Corp. et al.

Meetings; Sunshine Act

Privacy Act; systems of records

Federal Energy Regulatory Commission

NOTICES

Hearings, etc.

Cities Service Gas Co.

Columbia Gulf Transmission Co. et al.

El Paso Natural Gas Co.

Mountain Fuel Supply Co. et al.

Municipal Energy Agency of Mississippi

Pacific Power & Light Co.

Texas Gas Transmission Corp.

United Gas Pipe Line Co.

Federal Home Loan Bank Board

NOTICES

Receiver, appointment:

Washington Federal Savings & Loan Association

Federal Housing Commissioner—Office of Assistant Secretary for Housing

RULES

Mortgage and loan insurance programs:

Mutual mortgage and insured home improvement loans; properties having secondary liens; policy change

Federal Maritime Commission

RULES

Tariffs by common carriers in the foreign commerce of the U.S., publishing and filing; exemptions and exclusions

Federal Mine Safety and Health Review, Commission

NOTICES

Meetings; Sunshine Act

Federal Reserve System

RULES

Reserves of member banks (Regulation D):

Foreign banks; reserve requirements and deposit interest rate limitations

NOTICES

Applications, etc.

Colorado Springs Banking Corp.

Jefferson Bancorp, Inc.

Manufacturers Bancorp, Inc.

Manufacturers Hanover Corp. et al.

Federal Trade Commission

RULES

Appliances, consumer; energy cost and consumption information in labeling and advertising; correction

Fish and Wildlife Service

NOTICES

Endangered and threatened species permits; applications

Food and Drug Administration

PROPOSED RULES

GRAS or prior-sanctioned ingredients:

Sodium hydroxide and potassium hydroxide; correction

Over-the-counter drugs; exocrine pancreatic insufficiency drug products; monograph establishment; correction

Over-the-counter drugs; exocrine pancreatic insufficiency drug products; monograph establishment; extension of time

Over-the-counter drugs; external analgesic products; monograph establishment; correction

Over-the-counter drugs; sweet spirits of nitre; classification; correction

Pacific salmon, quick frozen gutted; standard; proceeding terminated
NOTICES

19316 Biological products:
Blood-banking and transfusion programs; memorandum of understanding with PHS and HCFA

19318 Good laboratory practices:
Memorandum of understanding with Switzerland

19316 Meetings:
Consumer participation; information exchange [3 documents]

Food Safety and Quality Service

19214 Rules
Meats, prepared meats, and meat products:
Federal meat graders; uniforms

PROPOSED RULES
Meat and poultry inspection, mandatory:
Processing operations at official establishments; change in reporting frequency from weekly to annually

General Accounting Office

19315 Notices
Regulatory reports review; proposals, approvals, etc. [ICC]

Health, Education, and Welfare Department
See Center for Disease Control; Food and Drug Administration; Health Care Financing Administration; National Institutes of Health; Public Health Service.

Health Care Financing Administration

19319 Notices
Blood-banking and transfusion programs; memorandum of understanding with PHS and FDA; cross reference

Heritage Conservation and Recreation Service

19322 Notices
Historic Places National Register; additions, deletions, etc.:
Alabama et al.

Housing and Urban Development Department
See also Environmental Quality Office, Housing and Urban Development Department; Federal Housing Commissioner—Office of Assistant Secretary for Housing.

19221 Rules
Age Discrimination Act; implementation; operation under HEW regulations
Low income housing:

19223 Public housing program; development phase; prototype cost limits [New Mexico and Arizona]

Immigration and Naturalization Service

19214 Rules
Canadian nationals, nonimmigrant; documentary requirements

Indian Affairs Bureau

19321 Notices
Indian tribes, acknowledgment of existence; petitions

Interior Department
See Fish and Wildlife Service; Heritage Conservation and Recreation Service; Indian Affairs Bureau; Surface Mining Office; Water and Power Resources Service.

International Trade Administration

19284 Notices
Antidumping:
Steel pipe and tubing from Japan

19422 Meetings; Sunshine Act (2 documents)

19285 Scientific articles; duty free entry:
Columbia University et al.

19288 University of Pennsylvania School of Medicine et al.

19285 University of Utah et al.

Interstate Commerce Commission

19280 Proposed rules
Motor carriers:
Direct routes for regular route movements

19407 Motor carriers:
Fuel costs recovery, expedited procedures

19327 Permanent authority applications

19406 Released rates applications

Rail carriers:
Master tariffs; elimination of grain tables from general rate increase; petition filed

19408 Railroad car service orders; various companies:
Kansas City Terminal Railway Co.

Justice Department
See Immigration and Naturalization Service; Law Enforcement Assistance Administration.

Labor Department
See also Employment and Training Administration; Mine Safety and Health Administration; Occupational Safety and Health Administration.

19530 Proposed rules
Senior community service employment program

Law Enforcement Assistance Administration

19524 Notices
National Priority Program and Discretionary Program Announcements; grant programs availability; removing children from adult jails and lock-ups; inquiry

Mine Safety and Health Administration

19267 Proposed rules
Metal and nonmetallic mine safety:
Safety and health standards; advance notice

19409 Petitions for mandatory safety standard modifications:
T.A.C. & C. Energy, Inc.

National Institutes of Health

19319 Notices
Meetings:
Cancer Institute, National; advisory committees

Pulmonary Diseases Advisory Committee

National Oceanic and Atmospheric Administration

19256 Rules
Outer Continental Shelf:
NOTICES
Marine mammal permit applications, etc.:
19288 Borgus, Richard Scott
19290 Ocean Park Ltd.
19289 University of Guelph
19289 Zoo Duisburg AG
Meetings:
19290 Pacific Fishery Management Council

Nuclear Regulatory Commission
RULES
Exemptions and continued regulatory authority in agreement States:
19215 Safeguard requirements; moderate and low strategic significance material; extension of time for submitting and implementing security plans
NOTICES
Applications, etc.:
19411 Texas Utilities Generating Co. et al.
19412 Virginia Electric & Power Co.
Meetings:
19410 Reactor Safeguards Advisory Committee (4 documents)

Occupational Safety and Health Administration
PROPOSED RULES
Health and safety standards:
19256 Confined spaces, entry and work; advance notice

Personnel Management Office
RULES
Senior Executive Service:
19213 Appointment, reassignment, transfer and development; correction

Postal Rate Commission
NOTICES
19422 Meetings; Sunshine Act

Postal Service
NOTICES
19422 Meetings; Sunshine Act

Public Health Service
NOTICES
19320 Blood-banking and transfusion programs; memorandum of understanding with FDA and HCFA; cross reference

Securities and Exchange Commission
NOTICES
Hearings, etc.:
19416 Societe Generale North America, Inc.
19418 Southern Co.
19423 Meetings; Sunshine Act
Self-regulatory organizations; proposed rule changes:
19412 Cincinnati Stock Exchange
19412 Pacific Stock Exchange Inc.
19416 Philadelphia Stock Exchange, Inc.

Southwestern Power Administration
NOTICES
19303 System power rate extension

State Department
NOTICES
19420 Ethiopia; claims by U.S. nationals against provisional military government; filing period

Surface Mining Office
PROPOSED RULES
Permanent program submissions; various States: Mississippi

Tennessee Valley Authority
NOTICES
19423 Meetings; Sunshine Act

Treasury Department
See Customs Service.

Veterans Administration
NOTICES
Meetings:
19421 Education and Training Review Panel

Water and Power Resources Service
NOTICES
Contract negotiations:
19326 Reno, Nev., et al.; water storage

MEETINGS ANNOUNCED IN THIS ISSUE

COMMERCIAL DEPARTMENT
19290 Technical Advisory Board, 4-10 and 4-11-80

DEFENSE DEPARTMENT
Office of the Secretary—
19295 Defense Advisory Committee on Women In the Services, 4-21 through 4-25-80
19296 Wage Committee, 5-6, 5-13, 5-20, and 5-27-80
19296 Task Force on Evaluation of Audit, Inspection and Investigative Components, 4-7-80

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
Food and Drug Administration—
19316, 19318 Consumer exchange, 4-15, 4-16, and 4-17-80 (3 documents)
19319 National Institutes of Health—
19319 National Cancer Institute, Cancer Control and Rehabilitation Advisory Committee, 5-5-80
19319 National Heart, Lung, and Blood Institute, Pulmonary Diseases Advisory Committee, 5-17-80

NATIONAL ALCOHOL FUELS COMMISSION
19409, Meetings 4-8, 4-9, 4-11 and 4-12-80 (4 documents)

NUCLEAR REGULATORY COMMISSION
19410 Advisory Committee on Reactor Safeguards, Ad Hoc Subcommittee on Three Mile Island, Unit 2 Accident Implications, 4-9-80
19410 Advisory Committee on Reactor Safeguards, Subcommittee on Power and Electrical Systems, 4-9-80
19411 Advisory Committee on Reactor Safeguards, Subcommittee on Reactor Safety Research, 4-9-80
19411 Advisory Committee on Reactor Safeguards, Subcommittee on Regulatory Activities, 4-9-80

VETERANS ADMINISTRATION
19421 Central Office Education and Training Review Panel, 4-9-80
## CFR PARTS AFFECTED IN THIS ISSUE

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

<table>
<thead>
<tr>
<th>CFR</th>
<th>Pages Affected</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 CFR</td>
<td>19211</td>
</tr>
<tr>
<td></td>
<td>Proposed Rules: 734 19502</td>
</tr>
<tr>
<td>7 CFR</td>
<td>19213, 19214</td>
</tr>
<tr>
<td>8 CFR</td>
<td>19214</td>
</tr>
<tr>
<td>9 CFR</td>
<td>19215, 19216, 19217</td>
</tr>
<tr>
<td></td>
<td>Proposed Rules: 320 19258</td>
</tr>
<tr>
<td>10 CFR</td>
<td>19215</td>
</tr>
<tr>
<td></td>
<td>Proposed Rules: 420 19259</td>
</tr>
<tr>
<td>12 CFR</td>
<td>19216, 19217</td>
</tr>
<tr>
<td></td>
<td>Proposed Rules: 201 19220, 19221, 19222</td>
</tr>
<tr>
<td>14 CFR</td>
<td>19216</td>
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<td>Proposed Rules: 399 19263</td>
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<td>16 CFR</td>
<td>19220</td>
</tr>
<tr>
<td>21 CFR</td>
<td>19266</td>
</tr>
<tr>
<td></td>
<td>Proposed Rules: 161 19264, 19265, 19266</td>
</tr>
<tr>
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<td>164 19264</td>
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<td>310 19265</td>
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<td>320 19265</td>
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<td>348 19265</td>
</tr>
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<td>357 (2 documents) 19265, 19266</td>
</tr>
<tr>
<td>24 CFR</td>
<td>19220, 19221</td>
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<tr>
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<td>Proposed Rules: 203 19222, 19223, 19224</td>
</tr>
<tr>
<td>29 CFR</td>
<td>19222</td>
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<td></td>
<td>Proposed Rules: 69 19530, 19266</td>
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<td>19266</td>
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<tr>
<td>30 CFR</td>
<td>19267</td>
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<td>Proposed Rules: 55 19267</td>
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<td>56 19267</td>
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<td>924 19268</td>
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<td>32 CFR</td>
<td>19227</td>
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<td>885 19231</td>
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</tbody>
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Memorandum for the Administrator, Agency for International Development

Pursuant to Section 124 of the International Development Cooperation Act of 1979, I hereby determine that assistance to Panama is in the national interest of the United States.

You are requested on my behalf to report this Determination to the Congress. This Determination shall be published in the Federal Register.

THE WHITE HOUSE,

[Signature]

Title 3—

The President

Presidential Determination No. 80–13 of March 10, 1980

Determination Under Section 124 of the International Development Cooperation Act of 1979—Panama
Presidential Documents

Presidential Determination No. 80-14 of March 13, 1980

Eligibility of Dominica, St. Lucia, and St. Vincent to Make Purchases of Defense Articles and Defense Services under the Arms Export Control Act

Memorandum for the Secretary of State

Pursuant to the authority vested in me by Section 3(a)(1) of the Arms Export Control Act, I hereby find that the sale of defense articles and defense services to the Governments of Dominica, St. Lucia, and St. Vincent will strengthen the security of the United States and promote world peace.

You are directed on my behalf to report this finding to the Congress.

This finding, which amends Presidential Determination No. 73-10 of January 2, 1973 (38 FR 7211), as amended by Presidential Determinations No. 73-12 of April 26, 1973 (38 FR 12799), No. 74-9 of December 13, 1973 (39 FR 3537), No. 75-2 of October 31, 1974 (39 FR 39863), No. 75-21 of May 20, 1975 (40 FR 24869), No. 76-1 of August 5, 1975 (40 FR 37205), No. 76-11 of March 25, 1976 (41 FR 14163), No. 76-12 of April 14, 1976 (41 FR 18281), No. 77-5 of November 5, 1976 (41 FR 50625), No. 77-17 of August 1, 1977 (42 FR 40169), No. 77-20 of September 1, 1977 (42 FR 48867), No. 78-5 of February 6, 1979 (44 FR 12153), and No. 79-11 of June 21, 1979 (44 FR 39437), shall be published in the Federal Register.

THE WHITE HOUSE,

[FR Doc. 80-9189
Filed 3-21-80; 4:35 pm]
Billing code 3195-01-M
5 CFR Part 317

Appointment, Reassignment, Transfer and Reinstatement in the Senior Executive Service

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: OPM is correcting a final rule on the Senior Executive Service, published on February 8, 1980, under authority of the Civil Service Reform Act of 1978. These are editorial changes only.

EFFECTIVE DATE: March 10, 1980.

FOR FURTHER INFORMATION CONTACT: Ann Ugelow, 202-632-6820.

SUPPLEMENTARY INFORMATION: On February 8, 1980, OPM published a final rule on the Senior Executive Service (55 FR 8541-8544; FR Doc. 80-4251). This document makes two editorial changes to that rule. The paragraph structure of § 317.302(a)(1)(ix) is revised; and a new internal reference is added to § 317.303(a).

Accordingly, OPM is amending 5 CFR Part 317 as follows:

PART 317—APPOINTMENT, REASSIGNMENT, TRANSFER AND DEVELOPMENT IN THE SENIOR EXECUTIVE SERVICE

1. Section 317.302(a)(1)(ix) and the following undesignated paragraph are revised to read as follows:

§ 317.302 Conversion procedures.

(a) * * *

(ix) A statement of the right of an employee who is aggrieved to appeal an action under this subpart to the Merit Systems Protection Board.

An employee whose involuntary reassignment or involuntary demotion to a designated position occurs less than 90 days before the operational date of the Senior Executive Service, shall be given this notice at the time of the personnel action. The employee shall have 90 calendar days from the date of receipt of the notice to make an election on conversion.

* * * * *

2. Section 317.303(a) is revised to read as follows:

§ 317.303 Status of employees who decline voluntary conversion to the Senior Executive Service.

(a) An employee who declines conversion pursuant to § 317.302(a)(4) or § 317.302(d)(4) shall remain in his/her current appointment and pay system, and shall retain the grade, seniority, and other rights and benefits associated with such type of appointment and pay system. The employee may continue in the current SES position or be reassigned to another position within or outside the Senior Executive Service.

* * * * *

Authority: Sec. 413(k), Pub. L. 93-454.

[FR Doc. 80-4251 Filed 2-3-80; 8:43 am]
BILLING CODE 5325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 981

Increase in Expenses Approved for Almond Board of California for the 1979-80 Crop Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation authorizes a 9.11 percent increase in expenses for the Almond Board of California for the 1979-80 crop year by $22,000. The Board administers the Federal marketing order covering almonds grown in California.

DATES: Effective July 1, 1979, through June 30, 1980.

FOR FURTHER INFORMATION CONTACT: J. S. Miller, (202) 447-5053.

SUPPLEMENTARY INFORMATION: Findings: This action recommended by the Board would increase the amount of the expenses previously approved (44 FR 50027) for the 1979-80 crop year. This action is pursuant to § 981.60 of the marketing agreement, as amended, and Order No. 981, as amended (7 CFR Part 981), regulating the handling of almonds grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The approved expenses in the amount of $8,685,669 are set forth in § 981.329(a) of Subpart—Budget of Expenses and Rate of Assessment (7 CFR 981.300; 981.329; 44 FR 50027). It now appears likely that the expenses of the Board will exceed those previously approved. This action increases these expenses by $22,000 to $8,697,669. The assessment rate for 1979–80 is not being changed because sufficient funds are available to meet the increased expenses.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking and postpone the effective time until 30 days after publication of the Federal Register, (5 U.S.C. 553). To enable the Board to meet additional obligations during the current 1979-80 crop year, approval of this additional amount of expenses is necessary without delay. Handlers and other interested persons were given an opportunity to submit information and views on the expenses at an open meeting of the Board. It is necessary to effectuate the declared purposes of the act to make these provisions effective as specified.

Further, in accordance with procedures in Executive Order 12044, the emergency nature of this regulation warrants publication without opportunity for further public comments. The regulation has not been classified significant under USDA criteria for implementing the Executive Order. An Impact Analysis is available from J. S. Miller (202) 447-5053.

Section 981.329(a) is amended as follows:

§ 981.329 Expenses and rate of assessment.

(a) Expenses that are reasonable and likely to be incurred by the Board during the 1979–80 crop year, will amount to $8,697,669.
Food Safety and Quality Service
7 CFR Part 2853

Uniforms—Federal Meat Graders

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Final rule.

SUMMARY: This rule adds a requirement to the Department's meat grading regulations that Federal meat graders and their supervisory personnel wear clean, white, well-maintained outer frocks at all times while performing official duties involving contact with meat and meat products. This action is being taken to assist meat graders and their supervisors to maintain the requisite sanitary standards when working with meat and meat food products and to help maintain the professional appearance deemed appropriate for performing these functions.

EFFECTIVE DATE: July 1, 1980. This effective date will permit the orderly implementation of this regulation.


SUPPLEMENTARY INFORMATION: On October 30, 1979, the Food Safety and Quality Service published in the Federal Register (44 FR 52294) a proposal to amend the Federal meat grading regulations (7 CFR 2853) to require that Federal meat graders and their supervisors wear clean, white, well-maintained outer frocks at all times while performing official duties involving contact with meat and meat products. Twenty-four comments were received during the 60-day comment period. These comments were from meat graders, one meat packer, one state agency, and the general public. Twenty-one comments favored the proposal, one was unfavorable, one neither favored nor rejected the proposal, and one commenter apparently misunderstood the proposal's intent. Most favorable comments cited the sanitary aspects of wearing clean, white, well-maintained frocks. The unfavorable comments suggested that the wearing of uniforms in packing plants would cause personal discomfort for some workers and would not contribute to the sanitary handling of meat. One commenter favored requiring retail store meat department employees to wear clean white frocks while performing their duties. The commenter apparently misunderstood the proposed rule as it would apply only to Federal meat graders and their supervisors.

The duties of Federal meat graders and their supervisors regularly involve the handling of meat and meat food products in packing and processing plants. For several years, most of these employees have purchased and maintained, at their own expense, clean, white frocks in order to assure an acceptable appearance during working hours and to contribute to the sanitary handling of meat and meat products.

In order to assure the continued wearing of these frocks and to make sure that all meat graders and their supervisors do so, the Department has determined that a new rule be added to the Federal meat grading regulations requiring that all meat graders and their supervisors wear clean, white, well-maintained outer frocks while performing official duties involving contact with meat and meat products. Adoption of this rule will assist meat graders and their supervisors to maintain the requisite sanitary standards when working with meat and meat products and also maintain the professional appearance deemed appropriate for performing their functions.

This new requirement to the Department's meat grading regulations will result in a slight increase in costs of grading and acceptance services which will be reflected in fees to users of the service. Implementation of specific measures necessary to accomplish the intent of this rule will be the subject of negotiations between the National Meat Grader's Council, American Federation of Government Employees (AFGE) and the Department.

Options Considered

Two options were considered by the Department regarding this rule.

Option I—Continuation of status quo. Federal meat graders and their supervisors would provide their own outer frocks on a voluntary basis.

Option II—Require that Federal meat graders and their supervisors wear clean, white, well-maintained outer frocks at all times while performing official meat grading duties.

Option II was selected for the reasons previously discussed in this document.

In consideration of the foregoing, the Federal meat grading regulations (7 CFR 2853) are amended by adding the title of a new §2853.31 in the Table of Contents and adding a new §2853.31 to read as follows:

§ 2853.31 Uniforms.

All meat graders and their supervisory personnel are required to wear clean, white, well-maintained outer frocks while performing any function under these regulations involving contact with the handling of any meat or meat product.


Note—This final rule has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations." A determination has been made that this action should not be classified "significant" under those criteria. A final impact statement has been prepared and is available from Mr. David K. Hallett, Chief, Meat Grading Branch, Meat Quality Division, Food Safety and Quality Service, U.S. Department of Agriculture, First Floor Mezzanine, Annex Building, Washington, D.C. 20250.

Done at Washington, D.C., on March 19, 1980.

Donald L. Houston, Administrator, Food Safety and Quality Service.

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 212

Revision of Regulations Pertaining to Documentary Requirements for Nonimmigrant Canadian Nationals

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This amendment clarifies the existing language in 8 CFR 212.1(a) making the regulation clear that an arriving nonimmigrant Canadian is not required to have a visa or waiver for entry into the United States after visiting outside the Western Hemisphere. And, only a passport is required for entry if such national had visited outside the Western Hemisphere. The clarifying language is required to ensure that the intent of the regulation is clearly understood by the public and Service personnel to avoid any ambiguities which may have arisen in the past.

Advance notice of rule making or
publication as a proposed amendment to the regulation is not required because the rule is interpretative and editorial in nature and public participation is not necessary.

**EFFECTIVE DATE:** March 25, 1980.

**FURTHER INFORMATION CONTACT:**


**SUPPLEMENTARY INFORMATION:** In view of some instances of misinterpretation of the regulation regarding the necessity for visas for Canadian nationals entering the United States as nonimmigrants, the Service has reviewed 8 CFR 212.1(a) and added amendatory language to the existing regulation to clarify the text for readability. Canadian nationals who had previously visited outside the Western Hemisphere and were entering the United States as nonimmigrants were not sure whether or not they needed visas in addition to their passports. The new language in the regulations makes it clear that such nationals do not need visas although they visited outside the Western Hemisphere. They require passports only and it is not necessary to obtain visas or waivers under these circumstances. The amendment makes no change in the existing interpretation of the law and no substantive change in the regulation is intended by this amendment; therefore, notice of proposed rulemaking and delayed effective date is not required per 5 U.S.C. 553.

The following amendment is hereby made to Chapter I of Title 8 of the Code of Federal Regulations:

**PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE**

1. In §212.1, paragraph (a) is amended by revising the first and second sentences immediately following the paragraph heading into four separate sentences to read as follows:

§212.1 Documentary requirements for nonimmigrants.

(a) Canadian nationals, and aliens having a common nationality with nationals of Canada or with British subjects in Bermuda, Bahamian nationals or British subjects resident in Bahamas, Cayman Islands, and Turks and Caicos Islands. A visa is not required of a Canadian national in any case. A passport is not required of such national except after a visit outside of the Western Hemisphere. A visa is not required of an alien having a common nationality with Canadian nationals or with British subjects in Bermuda, who has his or her residence in Canada or Bermuda. A passport is not required of such alien except after a visit outside of the Western Hemisphere.

(b) Canadian nationals, and aliens having a common nationality with nationals of Canada or with British subjects in Bermuda, Bahamian nationals or British subjects resident in Bahamas, Cayman Islands, and Turks and Caicos Islands. A visa is not required of a Canadian national in any case. A passport is not required of such national except after a visit outside of the Western Hemisphere. A visa is not required of an alien having a common nationality with Canadian nationals or with British subjects in Bermuda, who has his or her residence in Canada or Bermuda. A passport is not required of such alien except after a visit outside of the Western Hemisphere.

(c) Canadian nationals, and aliens having a common nationality with nationals of Canada or with British subjects in Bermuda, Bahamian nationals or British subjects resident in Bahamas, Cayman Islands, and Turks and Caicos Islands. A visa is not required of a Canadian national in any case. A passport is not required of such national except after a visit outside of the Western Hemisphere. A visa is not required of an alien having a common nationality with Canadian nationals or with British subjects in Bermuda, who has his or her residence in Canada or Bermuda. A passport is not required of such alien except after a visit outside of the Western Hemisphere.

**NUCLEAR REGULATORY COMMISSION**

10 CFR Part 73

**Extension of Dates for Submitting and for Implementing Security Plans in Response to Requirements for the Physical Protection of Special Nuclear Material of Moderate and Low Strategic Significance.**

**AGENCY:** U.S. Nuclear Regulatory Commission.

**ACTION:** Final rule.

**SUMMARY:** The U.S. Nuclear Regulatory Commission extends from March 20, 1980, to May 18, 1980, the date for submitting physical security plans or amendments thereto in response to §73.67(c)(1) of 10 CFR Part 73. The Nuclear Regulatory Commission also extends from July 24, 1980, to September 21, 1980, the date for implementing NRC approved security plans, as provided in paragraph §73.67(c)(2) of 10 CFR Part 73. These extensions are made because of a 50-day delay in publishing the final guidance needed for implementing the rule.

**EFFECTIVE DATE:** March 25, 1980.


**SUPPLEMENTARY INFORMATION:** On July 24, 1979, the U.S. Nuclear Regulatory Commission published in final form regulations entitled, “Safeguard Requirements for Special Nuclear Material of Moderate and Low Strategic Significance” (44 FR 43290). These regulations became effective 120 days later, with licensees being required to submit plans for protecting special nuclear material of moderate or low strategic significance by March 20, 1980, and to put into effect NRC approved security plans for implementing the rule by July 24, 1980. The 120-day delay was intended to allow time for (1) NRC to publish, for public comment, reporting guidance needed to implement the rule, the (2) NRC to incorporate comments received and to publish the guidance in final form. Because of extensive revisions to the guidance caused by both public and Commission comments, the final guidance was not published until January 10, 1980.

Since the publication of the guidance in final form was delayed by 50 days, licensees are being allowed 60 additional days for submitting security plans and for implementing the requirements of the rule. Accordingly, the Commission is amending its regulations by extending the date for submitting a security plan from March 20, 1980, to May 18, 1980, and the date for implementing the effective rule from July 24, 1980, to September 21, 1980. Because this amendment relates solely to procedural matters, the Commission has found that good cause exists for omitting notice of proposed rule making, and public procedure thereon and for making the amendment immediately effective on March 25, 1980.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 532 and 533 of Title 5 of the United States Code, the following amendment to Title 10, Chapter I, Code of Federal Regulations, Part 73 is published as a document subject to codification:

1. Section 73.67(c)(1) of 10 CFR Part 73 is amended to read as follows:

   (1) Submit by May 18, 1980, a security plan or an amended security plan describing how the licensee will comply with all requirements of §73.67(d), (e), (f), and (g), as appropriate, including schedules of implementation.

2. Section 73.67(c)(2) of 10 CFR Part 73 is amended to read as follows:

   (c) ...
FEDERAL RESERVE SYSTEM

12 CFR Parts 201, 204, 211, and 217

[Regulations A, D, K, and Q; Docket No. R-0238]

Reserve Requirements, Interest Rate Limitations on Deposits, and Advances of Federal Reserve Credit for U.S. Branches and Agencies of Foreign Banks; Reserve Requirements of Edge Corporations

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rules.

SUMMARY: Section 7 of the International Banking Act of 1978 ("IBA") (12 U.S.C. § 3105) imposes Federal reserve requirements and deposit interest rate limitations on Federal branches and agencies of parent foreign banks with total worldwide consolidated bank assets in excess of $1 billion. In order to implement the provisions of the IBA, the Board of Governors has amended Regulation D (Reserves of Member Banks) and Regulation Q (Interest on Deposits) to apply Federal reserve requirements and interest rate limitations currently applicable to member banks to such branches and agencies. Modifications to these regulations have been made to reflect certain operational and structural differences between branches and agencies and member banks. Reserve requirements will be phased-in for branches and agencies over a two-year period. Reserve requirements will be computed by aggregating the deposits of a foreign bank's branches and agencies operating in the same State. However, deposits of branches and agencies located in the same State but in different Federal Reserve Districts will not be aggregated. Regulation Q is being applied to Federal branches and agencies and State uninsured branches and agencies of foreign parent banks with total worldwide consolidated bank assets in excess of $1 billion. Under section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. § 1828(g)), all insured State branches and those insured Federal branches whose parents do not have total worldwide consolidated bank assets in excess of $1 billion will be subject to deposit interest rate limitations (12 CFR Part 329).

In addition, the IBA authorizes the Federal Reserve Banks to provide access to Federal Reserve credit, clearing, and settlement facilities to branches and agencies to the same extent as to member banks, subject to limitations, restrictions or regulations promulgated by the Board. Under the Board's action, branches and agencies subject to reserve requirements will be granted access to Federal Reserve services and credit in each Federal Reserve District in which they operate. Regulation A (Extensions of Credit by Federal Reserve Banks) has been amended to facilitate branch and agency borrowing from the Federal Reserve discount window.

The Board also has determined to apply to offices of Edge Corporations the same general rules with respect to maintenance of reserves, aggregation of deposits, and access to Federal Reserve services that are applicable to branches and agencies.

The Board believes that its actions to implement the provisions of the IBA will facilitate the conduct of monetary policy and will promote vigorous and fair competition between branches and agencies and domestic depository institutions to the fullest extent possible.

EFFECTIVE DATE: September 4, 1980. On that date, branch and agency reserve requirements will commence based upon deposits held during the seven-day computation period ending on Wednesday, August 27, 1980.


SUPPLEMENTARY INFORMATION: On July 23, 1979, the Board requested public comment (44 FR 44878) on a proposal to apply Federal reserve requirements and deposit interest rate limitations to U.S. branches and agencies of foreign banks ("branches and agencies") with total world-wide consolidated bank assets in excess of $1 billion pursuant to section 7(a) of the International Banking Act of 1978 ("IBA") (12 U.S.C. § 3105). The IBA imposes Federal reserve requirements and deposit interest rate limitations on Federal branches and agencies of such foreign banks. The IBA authorizes the Board, after consultation and in cooperation with State bank supervisory authorities, to apply the reserve requirements and deposit interest rate limitations made applicable to Federal branches and agencies to State branches or agencies of such foreign banks. The period for public comment expired on November 23, 1979.

After consideration of more than 40 comments received from the public (primarily from foreign banking institutions), the Board has adopted the proposal substantially as published, but with certain modifications as discussed below.

The primary objectives of the IBA are to facilitate the implementation of monetary policy and to promote competitive equality among depository institutions. To further these purposes, the Board of Governors has amended its regulations concerning extensions of credit by Reserve Banks (Regulation A; 12 CFR Part 201), reserves of member banks (Regulation D; 12 CFR Part 204), and interest on deposits (Regulation Q; 12 CFR Part 217) to apply these provisions to U.S. branches and agencies of foreign banks. The Board also has determined the manner in which branches and agencies may have access to Federal Reserve services.

Application of Regulation D

The scope of the activities and the balance sheet structure of branches and agencies suggest that they compete primarily with domestic money center banks, most of which are members of the Federal Reserve System. In order to facilitate the implementation of monetary policy and to promote competitive equality, the Board, after consideration of the character of business conducted by branches and agencies, has determined to apply the provisions of Regulation D (12 CFR Part...
would be aggregated nationally for purposes of calculating reserve requirements. The Board’s
determination to adopt a system of statewide aggregation is based principally on comments received
indicating that national aggregation for calculating reserves would be complex and
costly and on estimates suggesting that it would have had very little effect on the reserves required of branches
and agencies.

Under Regulation D, as amended, a
foreign bank’s branches and agencies operating in the same State will submit
an aggregated report of deposits to, and
maintain reserves with, the Federal
Reserve Bank in whose District they operate. However, a foreign bank’s
branches and agencies operating in the same State but in different Federal
Reserve Districts will report deposits and maintain reserves separately with
their respective Reserve Banks. For example, if a foreign bank has a branch
in Philadelphia and a branch in Pittsburgh, the former would submit
reports to, and maintain reserves with, the Federal Reserve Bank of
Philadelphia. Pittsburgh, however, is located in the Cleveland Federal
Reserve District, and a branch located in that city would report deposits to, and
maintain reserves with, the Pittsburgh Branch of the Federal Reserve Bank of
Cleveland.

Under the Board’s action, in reporting
deposits for purposes of calculating
reserve requirements, U.S. branches and
agencies will exclude transactions with
other U.S. branches and agencies of the
foreign bank. In other words, balances due to U.S. branches and
agencies, wherever located, of the same foreign bank will not be treated as
deposits due to banks, and balances from
U.S. branches and agencies, wherever located, of the same foreign
bank will not be deductible from gross
demand deposits as balances due from
other banks.

The Board’s action with regard to
basic reserve requirements for branches
and agencies does not affect procedures
currently in place for the marginal
reserve requirement program imposed
on October 6, 1979 (12 CFR 204.5[f][2]; 44
FR 60071), which is intended as a
temporary measure. Under that program,
all reports on total managed liabilities of
U.S. branches and agencies of the same
“family” must be filed on a nationally
consolidated basis by one office (the
reporting office) at the Federal Reserve
Bank of the District in which that office
is located. The reporting office also is
required to maintain the marginal
reserves of the “family” in a reserve
account at the Reserve Bank to which it
reports. Under the marginal reserve
program, “family” will continue to refer
to the U.S. headquarters of a foreign
bank and of its majority-owned
foreign banking subsidiaries.

Credit Balances

Most States that permit the
establishment of agencies provide that
credit balances may be maintained for
agency customers only in connection
with the exercise of other lawful
banking powers. Commentators stated
that credit balances should not be
reservable, since they do not serve the
same purposes as deposits and they
may not be used for ordinary
transactions purposes. Credit balances
rise primarily from crediting proceeds
of loans extended by the agencies, from
collections of foreign trade related
paper, and from compensating balance
requirements for agency services. There
are, however, close parallels between
credit balances at agencies and deposits
at Edge Corporations, which are subject
by statute to member bank reserve
requirements and interest rate
limitations. Moreover, if credit balances
were maintained at a member bank, they
would be regarded as reservable
deposits.

The Board has determined that credit
balances at agencies should be regarded as
“deposits” for purposes of interest rate
limitations and reserve
requirements. The maturity of credit
balances will determine the applicable
reserve ratios and interest rate
limitations, consistent with the
maturity of deposits at member banks
and Edge Corporations. Credit balances
with a minimum maturity of 30 days or
more, as specified in the agency’s
agreement with its customer, will be
subject to time deposit reserve ratios
and to the applicable time deposit
interest rate ceilings under Regulation
Q. Credit balances with shorter
maturities will be treated as demand
deposits, and the prohibition against
payment of interest on demand deposits
will be applied to such funds.

Officers’ Checks

The Board believes that it is
appropriate to treat officers’ checks
issued by or drawn by branches and
agencies as demand deposits, since
officers’ checks of member banks are
regarded as demand deposits.

Accordingly, the Board has amended
section 204.1(g) of Regulation D (12 CFR
204.1[g]) to treat officers’ checks issued
by a branch or agency, including those
drawn as agent for its foreign bank
(including its foreign offices), as demand
deposits for reserve requirement

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Table 1.—Federal Reserve Requirement Ratios

<table>
<thead>
<tr>
<th>Type of deposit and deposit interval (in millions of dollars)</th>
<th>Ratio to affect</th>
<th>March 1, 1980 (percent)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not demand:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>$0–$5</td>
<td>7</td>
<td></td>
</tr>
<tr>
<td>Over $5–$10</td>
<td>8</td>
<td></td>
</tr>
<tr>
<td>Over $10–$100</td>
<td>11%</td>
<td></td>
</tr>
<tr>
<td>Over $100–$400</td>
<td>12%</td>
<td></td>
</tr>
<tr>
<td>Over $400</td>
<td>15%</td>
<td></td>
</tr>
<tr>
<td>Savings</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Time by initial maturity:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>30–179 days</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Over 180 days</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>180 days to 4 years</td>
<td>2%</td>
<td></td>
</tr>
<tr>
<td>4 years or more</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Marginal reserve requirement:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(on managed liabilities in excess of the institution’s managed liabilities base)</td>
<td>8</td>
<td></td>
</tr>
</tbody>
</table>

*A supplementary reserve requirement of 2 percent is applied to time deposits of $100,000 or more.

Aggregation for Reserve Requirement Calculation. The Board has determined to adopt a procedure of statewide aggregation for purposes of calculating reserve requirements for branches and agencies. Under this procedure, reserve requirements will be computed by aggregating the deposits of a foreign bank’s branches and agencies operating in the same State. However, deposits of branches and agencies located in the same State but in different Federal Reserve Districts will not be aggregated. This represents a simplification of the Board’s July 23 proposal, which contemplated that deposits at all branches and agencies of a foreign bank and of its foreign subsidiary banks

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*The Board has been advised by its Legal Division that, in its view, Federal Reserve requirement imposed as a reserve requirement under section 2010 of the BMM (12 U.S.C. § 310B) can be preempt reserve requirements imposed on these institutions pursuant to State law.
purposes. Branches and agencies will be required to conform their accounting practices with respect to officers' checks to those required of member banks under Regulation D.

**Eurodollar Borrowings**

Since 1969, deposits in the form of borrowings by domestic offices of member banks from foreign banks, foreign national governments, certain international organizations, and the bank's own foreign branches have been subject to Eurodollar reserve requirements. (See § 204.5(c) and (d) of Regulation D (12 CFR 204.5(c) and (d).)
The applicable basic Eurodollar reserve ratio has been as high as 20 percent, but has been zero since August 24, 1978. (Eurodollar borrowings have been subject to marginal reserve requirements since October 6, 1979.) To provide treatment comparable to that of member banks, Eurodollar borrowings of branches and agencies will be subject to the same reserve ratios that apply to Eurodollar borrowings of member banks.

Net borrowings by a branch or agency from its foreign bank (including its foreign offices), except to the extent of the capital equivalency allowance described below, will be reservable at the Eurodollar reserve ratio even if the funds borrowed represent the proceeds of commercial paper issued in the United States by the foreign bank. Funds raised in the United States by a branch or agency directly, however, will be subject to basic domestic reserve requirements unless raised in a form specifically exempted by Regulation D, such as interbank borrowings or repurchase agreements on United States government or agency securities. Much of the funding for branches and agencies is provided by advances from their foreign banks. Since a branch or an agency is part of its foreign bank's corporate entity, it has no separate capital account in the domestic banking sense. However, a portion of advances from the foreign bank serve purposes similar to that of capital of domestic banks, which is not subject to reserve requirements. Consequently, the Board has provided that, in determining reserve requirements, a branch or agency will be permitted to deduct a capital equivalency allowance equal to 8 percent of certain assets from the net advances from its foreign bank (including its foreign offices). However, the capital equivalency allowance that may be deducted may not exceed net advances. The asset base to which the 8 percent figure will be applied will be total branch or agency assets less United States coin and currency, cash items in process of collection and unposted debits, balances due from domestic banks and other foreign banks, balances due from foreign central banks, and net balances due from its foreign bank and the foreign bank's United States and foreign offices. Balances held at the Federal Reserve will not be deducted from total assets in computing the asset base for the 8 percent capital equivalency allowance. This capital equivalency allowance should contribute both to competitive parity and to the safety and soundness of branches and agencies. The capital equivalency allowance for basic reserve requirements differs from that used in connection with the managed liabilities program. However, if the marginal reserve program is in effect on September 4, 1980, the effective date, the capital equivalency allowance for managed liabilities will be eliminated.

**Asset Sales**

A domestic bank can fund its operations from deposits or borrowings in the money markets or from affiliates. It can also obtain funds by selling a portion of its assets. In each instance, the domestic bank obtains additional funds to lend in its banking business. Funds obtained by a member bank from the sale of domestic assets (such as loans to U.S. residents,) to its foreign branches are subject to Eurodollar reserve requirements (§ 204.5(d) of Regulation D; 12 CFR 204.5(d)). In order to provide similar treatment for branches and agencies, the Board has determined that the proceeds of the sale of any domestic asset by a branch or agency to its foreign bank (including its non-U.S. offices) or foreign parent bank holding company will be subject to Eurodollar reserve requirements. However, domestic assets that are required to be sold for Federal or State supervisory purposes will not be subject to Eurodollar reserve requirements.

**Regulation Q**

Regulation Q (12 CFR Part 237) prescribes rules governing the payment of interest on deposits, including limitations on the rates of interest that may be paid by member banks on time and savings deposits. Regulation Q also includes provisions that (1) prohibit the payment of interest on deposits that are payable on demand or that have a maturity of less than 30 days; (2) specify the terms and conditions under which member banks may pay savings and time deposits before maturity; and (3) prescribe rules governing the advertisement of interest paid on deposits. The Federal Deposit Insurance Corporation has established substantially similar regulations (12 CFR Part 329) that apply to nonmember banks.

Effective September 4, 1980, the Board is applying Regulation Q to the following offices of parent foreign banks having total worldwide consolidated bank assets in excess of $1 billion: insured and uninsured Federal branches, uninsured State branches, and Federal and State agencies. Under section 16(g) of the Federal Deposit Insurance Act (12 U.S.C. § 1828(g)), Part 329 will apply to all insured State branches and to insured Federal branches of foreign banks with total worldwide consolidated bank assets of $1 billion or less.

**Access to Federal Reserve Services**

The IBA states that, subject to restrictions, limitations, and regulations of the Board, each Federal Reserve Bank may provide services to a branch or agency in the same manner and to the same extent as to a member bank if such branch or agency is maintaining Federal reserves. The IBA also states that, in providing services to a branch or agency, each Federal Reserve Bank shall give due regard to account balances being maintained with it by the branch or agency and the proportion of the assets of such branch or agency being held as reserves (12 U.S.C. § 347).

Under the Board's procedure of statewide aggregation for calculating reserve requirements for branches and agencies, reserve accounts will be maintained at Federal Reserve Banks in each District in which a foreign bank operates. Federal Reserve services will be made available to branches and agencies locally and to Federal Reserve Banks with which they maintain accounts. The Board believes that access to Federal Reserve services on a local basis is appropriate in order to further the IBA's goal of promoting competitive equality between branches and agencies and domestic depository institutions. Federal Reserve services will be available to branches and agencies beginning September 4, 1980, the effective date of the reserve requirement regulation. As authorized by the IBA, Federal Reserve Banks may require branches and agencies to maintain a level of clearing balances consistent with the level of services being provided. A branch or agency may make mutually agreeable arrangements with the Reserve Bank at which it maintains an account to hold a portion of its reserve balance in a nontransactional account that would be available to State or Federal supervisory authorities pursuant to various asset pledge...
requirements. Such an account could not
be used for clearing purposes and could
not be used to meet any clearing
balance requirement established by a
Reserve Bank.

Access to Discount Window

In accord with the IBA's policy of
national treatment, extensions of credit
from the Federal Reserve discount
window generally will be made
available to branches and agencies
under the same policies applicable to
domestic money center banks, their
primary competitors. However, these
policies will be modified somewhat in
recognition of the operational and
structural differences between branches
and agencies and domestic money
center banks. A branch or agency will
be expected to draw upon other
reasonable sources of funds, including
its foreign bank and domestic and
foreign money markets, before turning to
the discount window for short-term
adjustment credit. Moreover, adjustment
credit will not normally be available to
a branch or agency if it were funding or
intended to fund other related
institutions, foreign or domestic. As is
the case with money center banks, a
branch or agency will not normally be
eligible for the Seasonal Borrowing
Program. Emergency credit will be
extended to a branch or agency only
with prior Board approval.

The appropriateness of borrowing by
a branch or agency will be determined
by the needs of the individual office.
Each branch or agency will be permitted
to borrow from the Reserve Bank of the
District in which the branch or agency
is located. However, Reserve Bank lending
to all U.S. offices of a foreign bank will
be coordinated and monitored on a
nationwide basis to assure compliance
with the policies for borrowing from the
Federal Reserve.

Implementation of Reserve
Requirements

The Board recognizes that substantial
revisions in the accounting procedures
of branches and agencies may be
required as a result of its action. On
September 4, 1980, branch and agency
basic reserve requirements will
commence based on deposits held
during the seven-day computation
period ending on Wednesday, August
27, 1980. Federal branches and agencies
will not be subject to basic reserve
requirements until September 4, 1980.8

At that time, branches and agencies will
be required to report data necessary for
the administration of reserve
requirements, including data for the
categories listed in Table 2. Data for
these categories are required to be
maintained on a daily basis for each
computation period and filed with the
appropriate Federal Reserve Bank once
each week. These data and filing
requirements are similar to those of
member banks.

Current Board policy permits
nonmember banks that become member
banks to assume their reserve
requirements gradually over a two-year
period. The Board has determined that it
is appropriate to phase-in reserve
requirements for branches and agencies
over a similar two-year period.

Therefore, reserve requirements will be
applied to these institutions on a
graduated basis over a 24-month period
in accordance with the following
schedule:

| Succeeding 3-month period following application of reserve requirements | Percentage of reserve requirement to be maintained.
|---------------------------------------------------------------|-----------------
| 1. September 4-December 3, 1980 | 0 |
| 3. March 5-June 3, 1981 | 10 |
| 4. June 4-September 2, 1981 | 15 |
| 5. September 3-December 2, 1981 | 20 |
| 7. March 4-June 3, 1982 | 40 |
| 8. June 4-September 2, 1982 | 50 |
| 9. September 3, 1982-forward | 100 |

8 Under § 7 of the IBA, a Federal branch or
agency accepting deposits would be required to
maintain Federal reserves in the same manner as
a member bank. However, since State branches
and agencies will not be subject to basic reserve
requirements until September 4, 1980, the Board is

Table 2.—Reporting Categories for Branches and Agencies for Reserve Requirement Purposes—Continued

17. Funds received from the sale of ineligible bankers' acceptances that have remaining maturities of less than 30 days.
18. Funds received from the sale of ineligible bankers' acceptances that have remaining maturities of 30 days or more but
less than 180 days.
19. Funds received from the sale of ineligible bankers' acceptances that have remaining maturities of 180 days or more.
20. Funds received from the sale of ineligible bankers' acceptances that have remaining maturities of 4 years or more.
21. Total assets less United States coin and currency, cash items in process of collection and unposted checks, balances
due from domestic banks and other foreign banks, balances due from foreign central banks and net balances due from
the foreign bank and the foreign bank's U.S. and foreign offi-
ciates.

*“Deposit” includes credit balances.

edge Corporations

Under section 25(a) of the Federal
Reserve Act (12 U.S.C. § 615), Edge
Corporations are required to maintain
reserves in such amounts as the Board
can prescribe for member banks. In
addition, Congress has expressed the
view that the Board should have powers
sufficiently broad to enable them to compete effectively
with foreign-owned banking institutions
in the United States and abroad. The
Board has amended Regulations D and
K in order to treat Edge Corporations
and their branches for reserve purposes
in generally the same manner as the
agencies and branches of foreign banks.

Under the Board's action, any two or
more offices of an Edge Corporation,
which maintain reserves with the Federal
Reserve Bank in whose district they
operate, however, Edge Corporation
offices located in the same State but in
different Federal Reserve Districts will
report deposits and maintain reserves
separately with their Reserve Banks. In
reporting deposits for purposes of
calculating reserve requirements, Edge
Corporations will exclude
transactions with other offices of the
same Edge Corporation. Federal Reserve
services will be made available to Edge
Corporations through the Reserve Banks
with which they maintain their
accounts. The Federal Reserve discount
window, however, is unavailable to
Edge Corporations.

If a foreign bank established an Edge
Corporation, as permitted for the first
time by the IBA, the deposits of the
offices of the Edge Corporation would
not be aggregated with those of the
branches and agencies of that foreign
bank for purposes of calculating reserve
requirements. This treatment parallels
the treatment of Edge Corporations
owned by domestic banks, since, at
present, deposits of Edge Corporations

Vol. 45, No. 59 / Tuesday, March 25, 1980 / Rules and Regulations 19219
owned by U.S. banks are not aggregated with those of their parent bank for purposes of calculating reserve requirements. The capital equivalency allowance, however, will not be available to Edge Corporations.


Effective September 4, 1980, Regulation A (12 CFR Part 201), Regulation D (12 CFR Part 204), Regulation K (12 CFR Part 211), and Regulation Q (12 CFR Part 217) are amended as follows:

PART 201—EXTENSIONS OF CREDIT BY FEDERAL RESERVE BANKS

1. Section 201.1 of Regulation A (12 CFR 201.1) is revised to read as follows:

§ 201.1 Authority and scope.

This Part is issued under the authority of section 13 (12 U.S.C. §§ 343 et seq.) and other provisions of the Federal Reserve Act and relates to extensions of credit by Federal Reserve Banks. Except as may be otherwise provided, this Part shall be applicable to United States branches and agencies of foreign banks subject to reserve requirements under 12 CFR Part 204 in the same manner and extent as to member banks.

2. Regulation D (12 CFR Part 204) is revised by adding a new § 204.0 as follows:

PART 204—RESERVE OF MEMBER BANKS

§ 204.0 Authority and scope.


(b) This Part relates to the reserves that member banks are required to maintain against deposits. A foreign bank's branch or agency located in the States of the United States or the District of Columbia is required to comply with the provisions of this Part in the same manner and to the same extent as if the branch or agency were a member bank. However, as may be otherwise provided by the Board, if (i) its parent foreign bank has total worldwide consolidated bank assets in excess of $1 billion; or (ii) its parent foreign bank is controlled by a group of foreign companies that own or control foreign banks that in the aggregate have total worldwide consolidated bank assets in excess of $1 billion.

(c) The provisions of this Part do not apply to any deposit that is payable only at an office located outside the States of the United States and the District of Columbia.

3. Section 204.1 of Regulation D (12 CFR 204.1) is amended to read as follows:

§ 204.1 Definitions.

(b) Time deposits. * * * Time deposits does not include the liability of a United States branch or agency of a foreign bank to another United States branch or agency of the same foreign bank, or the liability of a United States office of an Edge Corporation to another United States office of the same Edge Corporation.

(g) Gross demand deposits. * * * Gross demand deposits also includes officers' checks issued by or drawn by a United States branch or agency of a foreign bank, including checks drawn as agent for or on behalf of its foreign bank or offices thereof located outside the States of the United States and the District of Columbia. Gross demand deposits does not include the liability of a United States branch or agency of the same foreign bank, or the liability of a United States office of an Edge Corporation to another United States office of the same Edge Corporation.

(k) Credit balances. For purposes of this Part, the term "deposits" also includes the credit balances of a United States branch or agency of a foreign bank.

(i) Foreign bank. "Foreign bank" means any bank organized under the laws of any country other than the United States (including its States and the District of Columbia), or organized under the laws of Puerto Rico, Guam, American Samoa, the Virgin Islands, or a territory or possession of the United States.

4. Section 204.2(b) of Regulation D (12 CFR 204.2) is revised to read as follows:

§ 204.2 Computation of reserves.

(b) Deductions allowed in computing reserves. In determining the reserve balances required under the terms of this Part, the amounts of balances subject to immediate withdrawal due from other banks, including such amounts due from United States branches and agencies of foreign banks, and cash items in process of collection as defined in § 204.1(b) may be deducted from the amount of gross demand deposit. However, United States branches and agencies of a foreign bank may not deduct balances due from another United States branch or agency of the same foreign bank, and United States offices of an Edge Corporation may not deduct balances due from another United States office of the same Edge Corporation. Balances "due from other banks" do not include balances due from Federal Reserve Banks, or balances (payable in dollars or otherwise) due from banking offices located outside the States of the United States and the District of Columbia.

5. Section 204.3 (e) and (f) of Regulation D (12 CFR 204.3) is revised to read as follows:

§ 204.3 Deficiencies in reserves.

(e) United States branches and agencies of foreign banks. A foreign bank's United States branches and agencies operating within the same State and within the same Federal Reserve District shall prepare and file a Report of Deposits on an aggregated basis, shall maintain required reserves with the Federal Reserve Bank of their District, and shall be assessed penalties in accordance with the provisions of paragraphs (a) through (d) of this section.

(f) Edge Corporations. An Edge Corporation's offices operating within the same State and within the same Federal Reserve District shall prepare and file a Report of Deposits on an aggregated basis, shall maintain required reserves with the Federal Reserve Bank of their District, and shall be assessed penalties in accordance with the provisions of paragraphs (a) through (d) of this section.

6. Section 204.5 of Regulation D (12 CFR 204.5) is amended to read as follows:

§ 204.5 Reserve requirements.

(a) Reserve Percentages. * * * In determining the deposits of United States branches and agencies of foreign banks against which reserve balances are required to be maintained, the deposits of United States branches and agencies of a foreign bank shall be aggregated for all offices operating
within the same State and within the same Federal Reserve District. In determining the deposits of United States offices of Edge Corporations against which reserve balances are required to be maintained, the deposits of United States offices of an Edge Corporation shall be aggregated for all offices operating within the same State and within the same Federal Reserve District.

(d) Foreign branch transactions with parent bank.—(1) Member banks. During each week of the four-week period beginning May 22, 1975, and during each week of each successive four-week (“maintenance”) period, a member bank having one or more foreign branches shall maintain with the Reserve Bank of its District, as a reserve against its foreign branch deposits, a daily average balance equal to zero per cent of the daily average total of—

(i) Net balances due from its domestic offices to such branches, and

(ii) Assets (including participations) held by such branches which were acquired from its domestic offices (other than assets representing credit extended to persons not residents of the United States), during the four-week computation period ending on the Wednesday fifteen days before the beginning of the maintenance period.

(2) United States branches and agencies of foreign banks. During each reserve maintenance period, a United States branch or agency of a foreign bank shall maintain a reserve against its deposits equal to a daily average balance of zero per cent of the daily average total of—

(i) Net balances due to its foreign bank (including offices thereof located outside the States of the United States and the District of Columbia) after deducting an amount equal to 8 per cent of the United States branch’s or agency’s total assets less United States coin and currency, cash items in the process of collection and unposted debits, balances due from domestic banks and other foreign banks, balances due from foreign central banks, and net balances due to its foreign bank and its United States and non-United States offices, however, the amount that may be deducted may not exceed net balances due to the foreign bank (including offices thereof located outside the States of the United States and the District of Columbia), and

(ii) Assets (including participations) held by its foreign bank (including offices of the foreign bank located outside the States of the United States and the District of Columbia) or its parent holding company that were acquired from the United States branch or agency (other than assets required to be sold by Federal or State supervisory authorities or assets representing credit extended to persons not residents of the United States) during the computation period ending on the Wednesday eight days before the beginning of the maintenance period. Reserves that may be required against assets sold to nonbanking affiliates under § 204.1(f) of this section shall be maintained in accordance with § 204.5(a) of this section.

(e) Foreign branch credit extended to United States residents. This paragraph does not apply to United States branches and agencies of foreign banks.

PART 211—INTERNATIONAL BANKING OPERATIONS

7. Section 211.4(d) of Regulation K (12 CFR 211.4(d)) is revised as follows: § 211.4 Issuance of obligations. * * *

(d) Reserve requirements and interest rate limitations. The deposits of an Edge Corporation are subject to the reserve requirements of Part 204 (Regulation D) and the interest rate limitations of Part 217 (Regulation Q) in the same manner and to the same extent as if the Edge Corporation were a member bank, except as may be otherwise provided by the Board.

PART 217—INTEREST ON DEPOSITS

8. Section 217.0 of Regulation Q (12 CFR 217.0) is amended as follows: § 217.0 Authority and scope.

(c) Under authority of the provisions of section 7 of the International Banking Act of 1978 (12 U.S.C. § 3103), the provisions of this Part apply to a Federal branch or agency of a foreign bank and to a State uninsured branch or agency of a foreign bank in the same manner and to the same extent as if the branch or agency were a member bank, except as may be otherwise provided by the Board, if (i) its parent foreign bank has total worldwide consolidated bank assets in excess of $1 billion; (ii) its parent foreign bank is controlled by a foreign company which owns or controls foreign banks that in the aggregate have total worldwide consolidated bank assets in excess of $1 billion; or (iii) its parent foreign bank is controlled by a group of foreign companies that own or control foreign banks that in the aggregate have total worldwide consolidated bank assets in excess of $1 billion.

(d) The provisions of this Part do not apply to any deposit that is payable only at an office located outside of the States of the United States and the District of Columbia of a member bank or of a foreign bank.

9. Section 217.1(j) and (k) of Regulation Q (12 CFR 217.1) is revised by adding the following: § 217.1 Definitions. * * *

(j) Credit balances. For purposes of this Part, the term “deposits” also includes the credit balances of a United States branch or agency of a foreign bank.

(k) Foreign bank. “Foreign bank” means any bank organized under the laws of any country other than the United States (including its States and the District of Columbia), or organized under the laws of Puerto Rico, Guam, American Samoa, the Virgin Islands, or a territory of the United States.

By order of the Board of Governors, March 19, 1980.

Griffith L. Garwood,
Deputy Secretary of the Board.

[FR Doc. 80-993 Filed 3-21-80; 8:45 am]
BILLING CODE 6210-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Office of the Secretary
24 CFR Subtitle A
[Docket No. N-80-990]
Operative HUD Regulation Implementing the Age Discrimination Act of 1975 (ADA)
AGENCY: Department of Housing and Urban Development.
ACTION: Notice of Operative Regulation.

SUMMARY: The Office of Fair Housing and Equal Opportunity announces that it is operating under the governmentwide regulation published by the Department of Health, Education and Welfare (44 FR 33786, June 12, 1979) to carry out the provisions of the Age Discrimination Act of 1975 (ADA), as amended, until such time as HUD has adopted its own specific implementing regulation. The
Effective date of the HEW regulation is July 1, 1979. The ADA prohibits discrimination on the basis of age in programs and activities receiving Federal financial assistance.

**EFFECTIVE DATE:** July 1, 1979

**FOR FURTHER INFORMATION CONTACT:** Director, Office of Regional Fair Housing and Equal Opportunity serving your area: Myrna Kennedy, Office of Fair Housing and Equal Opportunity, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410, (202) 755-5904. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:**

### Background Information

The Age Discrimination Act of 1975 (ADA), 42 U.S.C. 6101 et seq., as amended in 1978, prohibits discrimination on the basis of age in programs and activities receiving Federal financial assistance. On June 12, 1979, HEW published a final governmentwide regulation to implement the ADA (44 F.R. 33778) and to provide a guide for the development of regulations by specific agencies which administer financial assistance programs.

### Purpose of the Notice

This notice is to inform recipients and beneficiaries of HUD financial assistance and the general public that HUD is operating under HEW’s governmentwide regulation until such time as HUD has adopted its own regulation. The HEW regulation became effective on July 1, 1979; therefore, complaints alleging age discrimination in any program or activity receiving HUD financial assistance on or after July 1, 1979, may be filed with this Department. Any person, individually or as a member of a class or on behalf of others, may file a complaint alleging discrimination covered by the ADA. Complaints should be addressed to: The Assistant Secretary for Fair Housing and Equal Opportunity, U.S. Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410 or the Director, Office of Regional Fair Housing and Equal Opportunity serving your area:

- **Boston Regional Office:** Room 800, John F. Kennedy Federal Building, Boston, Massachusetts 02203
- **New York Regional Office:** 29 Federal Plaza, New York, New York 10007
- **Philadelphia Regional Office:** Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106
- **Atlanta Regional Office:** Richard B. Russell Federal Building, 75 Spring Street SW, Atlanta, Georgia 30303
- **Chicago Regional Office:** 300 South Wacker Drive, Chicago, Illinois 60606
- **Fort Worth Regional Office:** 221 West Lancaster Avenue, Post Office Box 2955, Fort Worth, Texas 76113
- **Kansas City Regional Office:** 1163 Grand Avenue, Kansas City, Missouri 64109
- **Denver Regional Office:** 1405 Curtis Street, Denver, Colorado 80202
- **San Francisco Regional Office:** Executive Tower Inn, 450 Golden Gate Avenue, San Francisco, California 94102
- **Seattle Regional Office:** Arcade Plaza Building, 1321 Second Avenue, Seattle, Washington 98101

HEW has determined that alleged acts of age discrimination which occurred prior to July 1, 1979, are not actionable. Therefore, complaints alleging age discrimination in HUD-assisted programs prior to that date will not be processed.

The HEW governmentwide regulation provides for mediation of complaints during a maximum period of 60 days from the date of filing. The Office of Fair Housing and Equal Opportunity will refer all complaints alleging age discrimination in HUD-assisted programs to the Federal Mediation and Conciliation Service (FMCS) for mediation. The FMCS began mediating complaints on November 1, 1979. If mediation cannot resolve the complaint, it will be referred back to HUD, Office of Fair Housing and Equal Opportunity for investigation.

The ADA states that a complainant may file a civil action 180 days from the date the complaint was filed if the agency has taken no action, or the date the agency makes a determination in favor of the recipient. For purposes of exhaustion of administrative remedies within the Department of Housing and Urban Development, the 180 day period will run from the date the complaint is filed. In cases where the Department of Housing and Urban Development has made no finding with regard to the complaint within 180 days or has issued a finding in favor of the recipient, the complainant may file a civil action for injunctive relief.

### Proposed HUD Regulation

HUD has drafted and will publish a regulation to implement the ADA with regard to its own programs and activities. This regulation will supplement the HEW governmentwide regulation. A public comment period will be provided when the proposed regulation is published. Because of the extensive public participation process which HEW followed in developing the governmentwide regulation and because the HUD regulation conforms to its standards, HUD does not plan to conduct public meetings on its implementing regulation.


Moon Landrieu,
Secretary of Housing and Urban Development.

[FR Doc. 80-8613 Filed 3-24-80; 8:45 am]

**BILLING CODE 4210-01-M**

**Office of Assistant Secretary for Housing—Federal Housing Commissioner**

24 CFR Part 203, 213, and 234

[Docket No. R-79-69]

**Housing; Mutual Mortgage Insurance and Insured Home Improvement Loans**

**AGENCY:** Department of Housing and Urban Development (HUD).

**ACTION:** Final rule.

**SUMMARY:** These final regulations will change HUD’s longstanding policy which prevents mortgagors from obtaining single family mortgage insurance from the Department if they have a second mortgage or other secondary lien on their property. The change will permit FHA insured loans on properties which have secondary liens if those liens are held by a Federal, State or local government agency or instrumentality, and the Federal Housing Commissioner gives his prior approval.

**EFFECTIVE DATE:** April 24, 1980

**FOR FURTHER INFORMATION CONTACT:**

Mr. John J. Coonan, Acting Director, Single Family Development Division, Office of Single Family Housing, Department of Housing and Urban Development, Room 9270, Washington, DC 20410, (202) 755-6720. (This is not a toll-free number.)

**SUPPLEMENTARY INFORMATION:** By this action, the Department is changing three parts of the regulations, specifically Parts 203.32, 213.520 and 234.55, to allow secondary liens on properties involving FHA approved single family mortgage insurance in circumstances where a governmental instrumentality holds the secondary lien. The Department published a proposed rule to amend § 203.32 to permit secondary mortgages or liens in the Federal Register on August 9, 1979. Public comments were solicited at that time, and those comments are applicable to §§ 213.520 and 234.55 as well as to § 203.32. The Department received two responses on the proposed rule. The major comments were as follows:

1. **Comments:** The regulation requires HUD to make determinations regarding...
ability to pay and property valuation estimates. If these evaluations are required on each application, significant time delays will result.

Response: HUD makes underwriting determinations on each mortgage loan it commits to insure. The fact that a second trust is involved which will require an additional payment on the mortgagor’s behalf will not increase the time necessary for HUD to either commit to insure a mortgage or approve the buyer from a mortgage credit standpoint.

2. Comment: Section 203.32(b)(3) limited principal obligation to the amount advanced. Certain local programs have provisions where no interest is charged but if the property is sold, the local government shares in any increase in the value of the property on a predetermined basis. This provision would preclude these types of programs.

Response: The Department recognizes the problem created by this requirement and has, therefore, deleted it from the final regulations.

One other change deletes the prohibition against the outstanding balances on the mortgages exceeding the Department’s estimate of value. It was felt that such a restriction was not necessary since the second trust programs are being administered by governmental bodies which would not normally fund mortgages unless the economic potential of the area was such that repayment could be reasonably expected.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours in the Office of Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410. This rule is not listed in the Department’s semiannual agenda of significant rules, published pursuant to Executive Order 12044.

Accordingly, Chapter II of CFR Title 24, is amended as follows:

1. Section 203.32 of Subpart A of Part 203 is revised as follows:

   § 203.32 Mortgage lien.
   
   (a) Except as provided in paragraph (b) of this section, a mortgagor must establish that after the mortgage offered for insurance has been recorded, the mortgaged property will be free and clear of all liens other than such mortgage and that there will not be outstanding any other unpaid obligations contracted in connection with the mortgage transaction or the purchase of the mortgaged property, except obligations which are secured by property or collateral owned by the mortgagor independently of the mortgaged property.

   (b) With prior approval of the Commissioner, the mortgaged property may be subject to a secondary mortgage or loan made or insured, or other secondary lien, held by a Federal, State, or local governmental agency or instrumentality provided that the required monthly payments under the insured mortgage and the secondary mortgage or lien shall not exceed the mortgagor’s reasonable ability to pay as determined by the Commissioner.

   (Section 7(d) Department of Housing and Urban Development Act (42 U.S.C. 3535(d))

   Issued at Washington, D.C., on March 19, 1980.

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

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

ACTION: Notice of Prototype Cost Determination Under 24 CFR Part 841, Appendix A.

SUMMARY: On June 6, 1979, the Department published a revised schedule of “Prototype Cost Limits for Low-Income Public Housing.” After consideration of additional factual data, revisions are necessary to provide three new prototype areas in the State of New Mexico, and in the State of Arizona substitute three new prototype areas for an existing area and increase the per unit prototype cost limits for one additional area.

DATE: March 25, 1980.

FOR FURTHER INFORMATION CONTACT:

Mr. Jack R. VanNess, Director, Technical Support Division, Office of Public Housing, Room 6241, 451 7th Street SW., Washington, D.C. 20410 (202) 755-5498 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: These schedules establish per unit limits on the dwelling construction and equipment costs (prototype costs) for the development of new low-income public housing under the United States Housing...
Act of 1937 (Section 6(b)) as set forth in 24 CFR Section 841. Where prototype cost schedules are established for special Indian prototype cost areas in accordance with 24 CFR Section 805.213, they are identified by an asterisk (*) and only apply to the development of Indian housing.

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

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of General Counsel, Room 5218, 451 7th Street, SW., Washington, D.C. 20410.

Accordingly, the per unit cost schedules setting Prototype Cost Limits for Low-Income Housing are amended as follows:

1. At 44 FR 32555, add the prototype per unit cost schedules for detached and semi-detached, row, walk-up and elevator dwellings, Region VI, Alamo, Nageezi, and Standing Rock, New Mexico.

2. At 44 FR 32571, revise the prototype per unit cost schedule for detached and semi-detached, row, walk-up and elevator dwellings, Region IX, Keams Canyon, Arizona.

3. At 44 FR 32572, delete the prototype per unit cost schedules for detached and semi-detached, row, walk-up and elevator dwellings, Region IX, Sawmill, Arizona.

4. At 44 FR 32572, add prototype per unit cost schedules for detached and semi-detached, row, walk-up and elevator dwellings, Region IX, Steamboat, Rough Rock and Kaibito, Arizona.

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

Issued at Washington, D.C., on March 19, 1980.

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

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| **AR** |                |               |         |                    |
|        | 0 BR | 1 BR | 2 BR | 3 BR | 4 BR | 5 BR | 6 BR |
| Det. & Semi-Det. | 28,000 | 33,650 | 41,650 | 49,550 | 59,700 | 66,300 | 69,550 |
| Row Dwellings | 26,400 | 31,850 | 39,550 | 47,100 | 56,300 | 62,950 | 65,550 |
| Walk-Up | 22,800 | 28,450 | 35,950 | 42,600 | 49,100 | 54,100 | 57,000 |
| Elevator-Structure | 29,200 | 33,750 | 42,650 |         |        |        |        |

| **CA** |                |               |         |                    |
|        | 0 BR | 1 BR | 2 BR | 3 BR | 4 BR | 5 BR | 6 BR |
| Det. & Semi-Det. | 29,450 | 35,350 | 43,750 | 52,050 | 62,700 | 69,700 | 73,050 |
| Row Dwellings | 27,700 | 33,500 | 41,550 | 49,450 | 59,150 | 66,150 | 68,900 |
| Walk-Up | 23,950 | 29,900 | 37,800 | 44,750 | 51,600 | 56,800 | 59,850 |
| Elevator-Structure | 30,700 | 35,450 | 44,800 |         |        |        |        |

| **CO** |                |               |         |                    |
|        | 0 BR | 1 BR | 2 BR | 3 BR | 4 BR | 5 BR | 6 BR |
| Det. & Semi-Det. | 25,550 | 30,650 | 37,950 | 45,150 | 54,400 | 60,450 | 63,350 |
| Row Dwellings | 24,050 | 29,050 | 36,050 | 43,900 | 51,300 | 57,400 | 59,400 |
| Walk-Up | 20,750 | 25,950 | 32,800 | 38,800 | 44,750 | 49,300 | 51,900 |
| Elevator-Structure | 26,600 | 30,750 | 38,850 |         |        |        |        |

[FR Doc. 80-0014 Filed 3-24-80; 8:45 am]
BILLING CODE 4210-01-C
DEPARTMENT OF DEFENSE
Office of the Secretary
32 CFR Part 156
[DOD Directive 5200.2] 1

DOD Personnel Security Program
AGENCY: Office of the Secretary of Defense.
ACTION: Final rule.

SUMMARY: This rule establishes the Department of Defense Personnel Security Program and assigns responsibilities for its execution. It is issued in compliance with the Internal Security Act of 1950 to protect the rights of individuals, consistent with the law and the interest of national security.

EFFECTIVE DATE: December 20, 1979.


SUPPLEMENTARY INFORMATION: In FR Doc 66-11538 appearing in the Federal Register on October 22, 1966 [31 FR 13842], the Office of the Secretary of Defense published Part 156 of this title, "Department of Defense Civilian Applicant and Employee Security Program." Since then, the following corrections and amendments were published in the Federal Register: (a) A correction on March 16, 1967 [32 FR 4114]; (b) Miscellaneous amendments on March 31, 1967 [32 FR 5420]; (c) Miscellaneous amendments on July 20, 1967 [32 FR 10644]; (d) A correction on March 13, 1968 [33 FR 4462]; and (e) An amendment on July 12, 1969 [34 FR 11544]. This document is a complete revision of the existing Part 156. Accordingly, 32 CFR Chapter I, is amended by revising Part 156, reading as follows:

PART 156—DOD PERSONNEL SECURITY PROGRAM
Sec.
156.1 Purpose
156.2 Applicability and Scope
156.3 Policy
156.4 Responsibilities
Authority: The provisions of this Part are and in Part 155, except as provided in §155.4.

§156.1 Purpose.
32 CFR Part 199

[DoD Regulation 6010.8-R]

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Clarification of Medical Indications for Head and Body CT Scans

AGENCY: Office of the Secretary of Defense.

ACTION: Guidelines to rule.

SUMMARY: These are guidelines to Amendment No. 3 of Part 199 of this title. The purpose of Amendment No. 3 was to expand benefits under CHAMPUS regarding computer tomography (CT) scanning coverage. The purpose of these guidelines is to clarify those medical indications for which CT scan benefits are extended for head and body.

EFFECTIVE DATE: The provisions of these guidelines are effective retroactively for covered CT scans provided on or after October 1, 1978.

FOR FURTHER INFORMATION CONTACT: LTC L. Rowlette, Special Assistant for CHAMPUS, Office of the Deputy Assistant Secretary of Defense [Health Resources and Programs], telephone 202-693-6281.

SUPPLEMENTARY INFORMATION: In FR Doc. 77-7934, appearing in the Federal Register of April 4, 1977 (42 FR 17272), the Department of Defense published its regulation, DoD 6010.8-R, "Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)," as Part 199 of this title. In this regulation,Computed Tomography Scanning (CT Scanning) diagnostic services limited CHAMPUS benefits to head scans only and required that the scanner equipment be located in, and owned and operated by, an acute general hospital, and be approved by the regional health planning agency.

In FR Doc. 80-6788, appearing in the Federal Register on March 4, 1980, the Office of the Secretary of Defense published Amendment No. 3 to Part 199 of this title (45 FR 14034) which expands CHAMPUS coverage to include scans of other anatomical regions of the body and revives the criteria for coverage of CT Scans, removing all requirements for hospital-based equipment.

198.10[e][14][ii] of that amendment announces that the Director, CHAMPUS, or designee, will issue specific guidelines and criteria for CHAMPUS coverage of medically necessary head and body part scans. These guidelines and criteria were developed from information received from the Department of Health, Education, and Welfare, and other professional sources.

Medical Indications for Head and Body Computed Tomography Scans (CT Scans)

CT Scans are considered an appropriate diagnostic procedure for the following medical indications. CHAMPUS benefits may be considered for CT Scan procedures when the patient has signs, symptoms or complaints indicative of one or more of the following, and where other noninvasive and less costly diagnostic measures have been attempted or are not appropriate. All claims for CT Scan diagnostic services must be accompanied by documentation of the medical necessity. Any claim which does not appear to fall within the criteria set forth in the following will be reviewed by the CHAMPUS Fiscal Intermediary’s Medical Review Staff.

1. CT Scans of the Head

1.1 Progressively severe headaches in the absence of neurological findings; more than 3 weeks duration (must be submitted to Medical Review).

1.2 Seizures, adult onset; in the absence of drug/alcohol withdrawal or recent head trauma.

1.3 Chronic, changing or progressive seizure pattern refractory to treatment or showing increasing or new neurological deficit.

1.4 Progressive organic mental deterioration (dementia) unexplained by systemic disease, including leukoencephalopathy.

1.5 Papilledema or suspected increased intracranial pressure.

1.6 Focal neurologic signs, when peripheral origin has been excluded, such as:

   a. Aphasia
   b. Visual field defects
   c. Ataxia
   d. Paresis or hemiparesis
   e. Sensory deficit
   f. Transient ischemic attack (TIA), when diagnosis is uncertain
   g. Suspected acoustic neuroma
   h. Proposis, or suspicion of an intraorbital lesion, such as tumor, residual or orbital trauma, or inflammatory lesion.

1.7 Intracranial hemorrhage, such as:

   a. Subarachnoid hemorrhage
   b. Subdural hematoma
   c. Bleeding arteriovenous malformation (AVM)
   d. Bleeding aneurysm
   e. Complications of anticoagulation (e.g., progressive headaches in patient on Coumadin, Heparin)
   f. Intracerebellar or intracerebral hematoma

1.8 Cerebral infarction (stroke) where CT Scan is necessary for management (must be submitted to Medical Review).

1.10 Inflammatory lesions, such as:

   a. Brain abscess
   b. Meningitis with focal findings or secondary hydrocephalus
   c. Subdural or epidural empyema or effusion

1.11 Suspected lesion (significant head injury) secondary to trauma, such as:

   a. Hematoma
   b. Edema
   c. Hydrocephalus
   d. CSF leak
   e. Depressed skull fracture
   f. Facial fractures
   g. Carotid-cavernous fracture
   h. Basilar skull fracture

1.12 Neoplastic lesion, such as:

   a. Primary brain or meningial tumor or cranial nerve tumor; or
   b. Intracranial metastases
   c. Neoplasms of paranasal sinuses, nasopharynx, and oral nasopharynx
   d. Basilar skull lesions

1.13 Evaluation of effectiveness of treatment of cerebral lesion including:

   a. Subdural hematoma
   b. Neoplasm, after surgery, radiation and/or chemotherapy.

1. These guidelines will not appear in the Code of Federal Regulations.

2. See footnote, page 19227.
c. Hematoma, arteriovenous malformation or aneurysm 
   d. Hydrocephalus after shunt 
   e. Management of brain abscess 
   f. When signs and symptoms suggest progression, recurrence or lack of response to therapy

1.16 Congential lesions, such as:
   a. Hydrocephalus
   b. Encephaloceles
   c. Anomaly of brain
   d. Cervical lesions (skull):
   f. Lesions not fully defined by other studies

   b. Facial deformities
   c. Neurocutaneous diseases (Sturge-Weber, etc.)

1.17 Prematurity (35-38 weeks gestation or less) where clinically indicated (must be submitted to Medical Review)

1.18 CT Scans of the head are not covered for the following:
   a. Vertigo as an isolated symptom
   b. Syncope as an isolated symptom
   c. Neurological symptoms in the absence of neurological findings
   d. Migraine headache
   e. Benign febrile seizures under six years of age
   f. A head injury followed by an alteration in level of consciousness without progression which clears within 24 hours without residual neurologic deficit (concussion)
   g. Old completed stable cerebral infarction (stroke) (exception under 1.9)  

2. CT Scans of the Neck

2.1 Determination of the extent of primary or secondary neoplasms of the neck, including thyroid, larynx, parathyroid, soft tissue origins, etc. 

2.2 Evaluation of bony abnormalities of the cervical spine including neoplasms, fractures, dislocations or congenital anomalies.

2.3 Localization of foreign bodies in the soft tissues, hypopharynx or larynx and assessment of airway integrity in trauma.

2.4 Evaluation of retropharyngeal abscesses.

3. CT Scans of the Chest

3.1 Pleura: Chestwall
   a. Determine extent of neoplastic disease.
   (1) Assess bone, muscle and subcutaneous tissues.
   (2) Detect intrusion into thoracic cavity or spinal canal.
   b. Aid Percutaneous Needle Biopsy.
   (1) Selected lesions when fluoroscopic direction inadequate.
   (a) Certain mediastinal masses.
   (b) Mass low in costovertebral angle or obscured by overlying bone.
   (2) Lung
   a. Detection of occult pulmonary metastases when:

   (1) Extensive surgery is planned for a known primary neoplasm with a high propensity for lung metastases or for apparent solitary lung metastasis.
   (2) Detection of primary tumor in patient with positive sputum cytology and negative chest radiography and fiberoptic bronchoscopy.
   (3) Assessment of lung and mediastinum for underlying pleural effusion and the postpneumonectomy fibrothorax for recurrent disease.
   b. Search for diffuse or central calcification in a pulmonary nodule when conventional tomography is indeterminate.
   c. Determination of extent of intrathoracic spread in selected patients with bronchogenic carcinoma including mediastinal or pleural invasion.
   d. CT Scan of the lung is not covered for the purpose of detecting pulmonary emboli.

3.3 Mediastinum
   a. Evaluation of problems presented by chest radiograph.
   (1) Mass.
   (a) Differentiation among cystic, fatty or solid nature.
   (b) Localization relative to other mediastinal structures.
   (2) Mediastinal Widening.
   (a) Assessment of whether cause is pathologic or anatomic variation.
   (b) Distinction of solid mass, vascular anomaly, or aneurysm, and physiologic fat deposition.
   (3) Hilum.
   (a) Differentiation of enlarged pulmonary artery from solid mass when conventional tomography fails or is not capable of making this distinction.
   (4) Paraspinal Line Widening.
   (a) Distinction among lymph node enlargement, vascular cause, or anatomic variant.
   b. Search for Occult Thymic Lesion.
   (1) Detection of thymoma or hyperplasia in selected patients with myasthenia gravis when plain chest radiography is negative or suspicious.
   4. Breast—CT Scans of the breast are not covered.

5. Heart—CT Scans of the heart are not covered.

6. Great Vessels, including Abdominal Aorta

6.1 Evaluation and detection of thoracic aorta aneurysms.

6.2 Screening and measurement of abdominal aortic aneurysms when ultrasound fails or is unavailable.

6.3 Detection of intraluminal clots, chronic leakage, and rupture of thoracic and abdominal aneurysms.

6.4 Evaluation of aortoprosthetic disruption.

6.5 Evaluation of suspected infection of synthetic grafts of the major vessels.

6.6 Delineation of relation of major vessels to retroperitoneal tumors, infections, or other abnormalities.

6.7 Demonstration of invasion of vena cava by tumor.

7. Spinal Column

7.1 Type I Exam: No contrast medium.

7.2 Type II Exam: Dilute Metrizamide.

7.3 Type III Exam: Concentrated Metrizamide instilled originally for conventional myelography with subsequent secondary CT, performed within 4-6 hours after metrizamide instillation.

7.4 Evaluation (type I) of spinal stenosis to determine extent and specific causes of bony and soft tissue encroachment.

a. Diffuse spinal stenosis, congenital or acquired.

b. Localized spinal stenosis, associated with degenerative disease or malalignment.

c. Posttraumatic stenosis: detection of fracture fragments or hematoma.

d. Postspinal fusion stenosis: fusion bone overgrowth.

b. Detection of midline or foraminal spurs not seen on plain films.

c. Combined causes including degenerative, iatrogenic, traumatic, infection/tumor, as well as herniations of the nucleus pulposus.

7.5 Evaluation (types I and II) of congenital dysraphic abnormalities (spina bifida, meningo(myelo)cele, meningocele, diastematomyelia).

7.6 Evaluation (Type I or II) of spinal cord and/or nerve root masses, usually as secondary procedure to further determine nature and extent of lesion.

7.7 Localization procedure (type I) for CT-guided biopsy or aspiration.

7.8 Evaluation (type I) of nature of extent of bony or paraspinal tumors and inflammatory masses.

7.9 Following nondiagnostic conventional/myelography (type I or II procedure) using myelogram and/or clinical findings to specify CT level(s).

7.10 Alternative procedure (type I) in situations precluding standard myelography as primary examination (allergic history, suspected arachnoiditis, mechanical difficulties, emotional factors).

8. Abdomen

8.1 Kidney

a. Evaluation of kidneys when excretory urography or angiography is contraindicated by risk of serious reaction to contrast medium.

8.2 Evaluation of renal mass or suspected mass detected on another imaging procedure.

(1) Differentiation of an anatomic variant from a pathologic process.
8.3. Biliary Tree
a. Differentiation of obstructive from nonobstructive jaundice.
b. Determination of site and etiology of obstruction.
c. Determination of etiology of obstruction.

8.4. Retroperitoneal Space
a. Detection of primary malignancies such as those of mesenchymal, neural, lymphatic, and embryonic rest origin, melanomas, and benign conditions, such as cysts that may mimic malignancies.
b. Staging of nodal and extranodal extension of lymphomas and other types of retroperitoneal metastases from various primary sites (e.g., initial staging or detection of recurrent metastatic testicular tumor).
c. Detection of retroperitoneal abscess or hemorrhage (hematoma): localization for needle aspiration.
d. Further evaluation when other radiologic studies unexpectedly suggest abnormality, such as deviated ureter by normal retroperitoneal fat.
e. Guidance for retroperitoneal biopsy.

8.5. Peritoneum
a. Detection and differential diagnosis of free or loculated intraperitoneal fluid collections and inflammatory processes.
b. Detection of primary or secondary peritoneal masses (neoplasms and abscesses, etc.)
c. Guidance for the aspiration of intraperitoneal fluid collection and peritoneal masses.

8.6. Pancreas
a. Evaluation for possible mass lesion.
b. Determination of primary tumor and its extent.
c. Search for primary lesion in patient with distant metastases.
d. Evaluation of jaundiced patient.
e. Evaluation of suspected pancreatitis.
f. Determination of patient with possible upper abdominal masses.
g. Serial assessment of regression or persistence of tumor during and after therapy.
h. Differentiation of pancreatic from parapankreatic mass.

8.7. Liver
a. Evaluation of space-occupying lesions.

8.8. Spleen
a. Detection of primary or secondary tumor, including extent of tumor.
b. Differentiation of solid, cystic, inflammatory, vascular, or fatty tumors.
c. Detection of obstructing, minimally calcified ureteral calculi not detected by conventional studies.

8.9. Adrenal Gland
a. Evaluation of patients with biochemical evidence of adrenal hyperfunction.
b. Evaluation of patients with suspicion of adrenal mass found on conventional radiographic examination.
c. Guidance for adrenal biopsy.

8.10. Gastrointestinal Tract
a. CT is useful in the assessment of extent or recurrence of tumor or tumorlike condition into the mesentery or adjacent organs. CT is not currently indicated for the detection of mucosal lesions.

9. pelvis
9.1. Bladder, Ureters, Prostate, and Seminal Vesicles
a. Evaluation of primary and secondary tumor, including extent of tumor.
b. Differentiation of solid, cystic, inflammatory, vascular, or fatty tumors.
c. Detection of obstructing, minimally calcified ureteral calculi not detected by conventional studies.

9.2. Uterus and Ovaries
a. Evaluation of mass detected by clinical examination, after positive biopsy, after failure of ultrasound examination, or when strong clinical suspicion exists for a mass lesion.
b. Evaluation of primary tumor and its extent of spread; and evaluation of secondary tumor.
c. Differentiation of solid, inflammatory, vascular, or fatty masses.
d. Guidance for uterine and ovarian biopsy.

9.3. Flat Bones
a. Evaluation of bone lesions, trauma, and accompanying soft tissue extent, when conventional techniques have failed to clarify the problem.
b. Evaluation of joint abnormalities difficult to detect by conventional methods.
10. Musculoskeletal System
   a. Evaluation of selected patients with known or suspected primary bone tumors.
   b. Evaluation of patients with suspected recurrence of bone tumors.
   c. Evaluation of patients with suspected but indefinite signs of skeletal metastases when conventional studies fail to clarify.
   d. Evaluation of joint abnormalities difficult to detect by conventional methods.
   e. Evaluation of patients with soft tissue tumors, either known or suspected to confirm presence and determine extent.

11. Foreign Body Localization
   a. Foreign body localization anywhere in the body when other conventional techniques have failed to resolve the problem (e.g., foreign body in the chest, abdomen, orbit, globe of eye, intracranial or extremity).

12. Therapy Planning and Follow-up
   a. Definition of cross-sectional anatomy and attenuation coefficients of bone and soft tissue in tumor bearing areas for the purpose of planning radiation therapy.
   b. Provision of baseline prior to radiation therapy and chemotherapy from which effectiveness of these treatment modalities can be judged.
   c. Conformance as part of an established and acceptable follow-up protocol.
   d. Evaluation of signs and symptoms suggesting progression, recurrence, or failure of therapy.

O. J. Williford,
Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.
March 17, 1990.
[FR Doc. 90-6313 Filed 3-24-90; 8:45 am]
BILLING CODE 3810-70-M

Department of the Air Force
32 CFR Part 885

Appointment of Officers in the Regular Air Force

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

ACTION: Final rule.

SUMMARY: The Department of the Air Force regulations amendments reflect changes to the basic rule on appointment of officers in the Regular Air Force. The amendments increase the time dentists and physicians on extended active duty must serve on current tours prior to applying for Regular Air Force appointments; updates terminology; adds an exception to the active duty service commitment and adds a new section on application procedures for promotions.

EFFECTIVE DATE: January 21, 1990.

FOR FURTHER INFORMATION CONTACT: M. Sgt. Mumpower, AFMPC/MPCA JB2, Randolph AFB, Texas 76148, telephone (512) 652-2975.

SUPPLEMENTAL INFORMATION: The provisions of this part are issued under authority of 10 U.S.C. 8012 and E. O. 9397, November 22, 1973.

The amendments will read as follows:
1. Section 885.3 is amended to revise paragraph (a)(4) to read as follows:

§ 885.3 Terms explained.


2. Section 885.7 is amended to revise paragraph (d) to read as follows:

§ 885.7 Other appointments.

(d) Physicians and dentists on EAD who have served at least 12 months on their current tours may apply for RegAF appointments. Each individual sends a letter requesting appointment to the servicing CBPO. If not selected, the officer may reapply 1 year after being notified of the nonselection.

3. Section 885.14 is amended by adding the following at the end of this section.

§ 885.14 Active duty service commitment.

Exception: Line of the Air Force (LAF) officers selected for Regular appointment by the CY 1979 5- and 7-Year Regular Appointment Board, which convened April 23, 1979 or by a later board, will not incur an ADSC when they accept a Regular appointment.

4. Section 885.17a is added to read as follows:

§ 885.17a Application procedures for promotion list transfers.

A Regular officer may request a promotion list transfer by submitting a letter to HQ AFMPC/MPCA JB1C. This request will include the promotion category which the officer desires to enter and the reasons for the transfer. Additional supporting documents, such as diplomas, transcripts of special college work or any other documents, may also be attached to this request.

(a) On receipt of the application, HQ AFMPC/MPCA JB1C will coordinate the application between the losing and gaining functional managers (FM) for their comments and recommendations. After coordination with FM, the application is sent to HQ AFMPC/ MPCA for final approval or disapproval.

(b) If application is approved, the gaining and losing FM will establish an effective date. HQ AFMPC/MPCA JB1C will notify the individual end transfer the officer to the new promotion list, unless the officer is required to be reappronted. In these cases, HQ AFMPC/MPCA JB1C will take the actions required in § 885.17, before transferring the officer to the new promotion list.

(c) Disapprovals will be returned by HQ AFMPC/MPCA JB1C through command channels to the individual.

5. Section 885.20 is amended to revise lines A, B, and C, as follows:

§ 885.20 Basic eligibility for physicians and dentists.

In line A, delete "or medical intern"; in line B, delete "or dental intern"; and in line C, change "6" months to "12" months.

Carol M. Rose,
Air Force Federal Register Liaison Officer.
[FR Doc. 90-620 Filed 3-21-90; 8:45 am]
BILLING CODE 3810-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1443-1]

Approval and Promulgation of Implementation Plans; Texas Plan for Nonattainment Areas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Under this notice, EPA today announces its approval of portions of the State Implementation Plan (SIP) revisions for Texas which were submitted by the Governor on April 13, 1979 pursuant to the requirements of Part D of Title I of the Clean Air Act, as amended in 1977, with regard to nonattainment areas. EPA is also taking final action to conditionally approve certain elements of Texas' plan. In addition the Agency is taking no action on the following portions of the Texas SIP: the plans for those areas which EPA proposed approval of redesignation of attainment status (October 12, 1979, 44 FR 58922); Subchapters 131.0752, .53, and .54 of Regulation V for the ozone nonattainment counties of Harris, Galveston, Brazoria, Bexar, Dallas, and
In this notice, issues resulting in SIP approval, conditional approval and no action are discussed, and EPA's responses to relevant comments received on notice of availability (published in the Federal Register on May 21, 1979) and proposal are included. It should be noted that only the requirements with respect to Part D of the Act are addressed under this notice.

**EFFECTIVE DATE:** Effective on March 25, 1980.

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

**SUPPLEMENTARY INFORMATION:**

**Introduction**

On August 1, 1979 (44 FR 45204), EPA published a notice of proposed rulemaking on the revisions to the Texas State Implementation Plan (SIP) which had been submitted by the Governor on April 13, 1979 for the purpose of fulfilling the requirements of Part D of Title I of the Clean Air Act, as amended in 1977 (the Act), with regard to nonattainment areas. Under that notice and, in its companion report, "EPA Review of Texas State Implementation Plan Revision" (June 1979), the Agency described the nature of the SIP revision, discussed certain provisions which in EPA's judgment did not comply with the requirements of Part D of the Act and the General Preamble, which was published in the April 4, 1979 Federal Register (44 FR 20372), and solicited public comment on EPA's proposed actions and deadlines. EPA has reviewed the Part D revision and the comments in light of the Clean Air Act, EPA regulations and additional guidance. The criteria used in this review were detailed in the general preamble published in the April 4, 1979 Federal Register (44 FR 20372), supplemented on July 2, 1979 (44 FR 38583), August 26, 1979 (44 FR 50971), September 17, 1979 (44 FR 58761) and November 23, 1979 (44 FR 67182).

In response to that notice, the State submitted administrative revisions to the proposed SIP on August 9, 1979, and comments on EPA's proposed actions on August 14, 30 and September 14, 1979, which included clarification or committed to corrective actions on the previously outlined deficiencies. Numerous comments were also received from the general public.

The remainder of today's notice briefly summarizes the actions proposed in the August 1, 1979 notice, discusses the corrective action either taken or committed to by the State, and EPA's resulting action on the SIP. In addition, this notice includes EPA's response to all public comments received during the public comment period and under EPA's notice of availability. Where possible, the format of this notice follows that of the notice of proposed rulemaking, and reference is made to indicate such.

A discussion of conditional approval and its practical effect appears in two supplements to the General Preamble, 44 FR 38583 (July 2, 1979) and 44 FR 67182 (November 23, 1979). The conditional approval requires the State to submit additional materials by the deadlines proposed elsewhere in today's Federal Register. EPA will follow the procedures described below when determining if the State has satisfied the conditions.

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

2. EPA will evaluate the State's submission to determine if the condition is fully met. After review is complete, a Federal Register notice will be published proposing or taking final action either to find the condition has been met and approve the plan, or to find the condition has not been met, withdraw the conditional approval and disapprove the plan. If the plan is disapproved, the Section 110(a)(2)(I) restrictions on construction will be in effect. Certain funds also may be withheld, conditioned or restricted if the plan is disapproved. See CAA § 316(b), § 176.

3. If the State fails to timely submit the required materials needed to meet a condition, EPA will publish a Federal Register notice shortly after the expiration of the time limit for submission. The notice will announce that the conditional approval is withdrawn, the SIP is disapproved and Section 110(a)(2)(I) restrictions on growth are in effect. Certain funds may also be withheld, conditioned or restricted if the plan is disapproved. See CAA § 316(b), § 176.

Elsewhere in today's Federal Register, deadlines by which conditions must be met are being proposed. Although public comment is solicited on the deadlines, and the deadlines may be changed in light of comment, the State remains bound by its commitment to meet the proposed deadlines, unless they are changed.

**Ozone**

In the August 1, 1979 Federal Register notice, the section entitled "Ozone" specified the areas to which the plan revisions pertain. At the time the SIP was submitted, fifteen counties had been designated as not attaining the ozone standard. On April 6, 1979 the State submitted a revision to EPA, requesting redesignation of McLennan and Travis Counties to attainment, on the basis of changes to the ozone standard promulgated on February 8, 1979 (at 44 FR 8212). EPA proposed approval of the redesignation of these areas in the October 12, 1979 Federal Register (at 44 FR 58922). Therefore, EPA has chosen to take no action in these areas at this time. Until the State is not relieved of the requirement to submit a SIP for these areas until the redesignations are approved by EPA.

For the urban ozone nonattainment counties of Bexar, Dallas, El Paso, Nueces, and Tarrant, the State's control strategy predicted that attainment would be achieved by December 31, 1982 through the Federal Motor Vehicle Control Program (FMVCP) and application of reasonably available control technology (RACT) to major stationary sources covered by the Control Technique Guidelines (CTGs) published by EPA prior to January 1, 1978. For Harris County, however, the State demonstrated that despite the implementation of all reasonably available control measures, attainment could not be achieved by December 31, 1982, and an extension until December 31, 1987 was requested. In the August 1, 1979 notice, EPA discussed seven additional measures which must be taken in conjunction with request for an extension, the manner in which the State addressed each of these additional measures, and any deficiencies in the State's approach (see 44 FR 45205 col. 2 through 44 FR 45207 col. 1). In regard to these points, the State has submitted clarification or committed to corrective action as follows:

1. In the August 1, 1979 notice, EPA proposed approval of the State's approach to the analysis of alternatives required under Section 172(b)(11)(A) of the Act on the condition that the Texas Air Control Board (TACB) revise its permit application form and that the TACB make the permit application in such a manner as to assure that the required analyses would be performed. The TACB has submitted the language it intends to use in its revised permit application form, and has provided a written commitment to inform applicants who do not perform the required analyses that a permit meeting
federal requirements cannot be issued. EPA has been assured by officials of the TACB that the State will implement these changes in the permitting process for any after construction portion of this final rulemaking. EPA's final approval of the Texas SIP is premised on this understanding.

2. In the August 1, 1979 notice, EPA proposed conditional approval of that portion of the SIP that dealt with the establishment of an inspection/maintenance (I/M) program. On August 9, 1979, under signature of the Governor, the State submitted revisions to the SIP, portions of which, addressed and satisfied the conditions listed in the August 1, 1979 notice. EPA promulgated approval of this portion of the SIP on December 18, 1979, at 44 FR 74830. It should be noted that all public comments received relative to the I/M issue are discussed under that notice.

3. In the August 1, 1979 notice, EPA noted that the plan did not contain a formal commitment to public transportation improvement in Harris County, and the Agency proposed approval on the condition that such a commitment be submitted as part of the SIP by October 29, 1979. In response to this, the State submitted revisions to the proposed SIP on August 9, 1979, which included the text of the Metropolitan Transit Authority (MTA) Board Order 78-8, certifying the election in Harris County which created the MTA, and levied a one cent sales tax to implement the MTA's programs. EPA considers this submittal as a commitment to use local funds for such programs, thereby satisfying the condition for approval. Therefore, EPA is today approving this portion of the SIP.

4. In the August 1, 1979 notice, EPA specified that the SIP did not identify or include any commitment to implement currently planned transportation control measures (TCMs) having beneficial air quality impacts, and that the State must do so within 90 days of the notice. The TACB stated to EPA that the information could not be provided by the October 29, 1979 deadline. EPA agreed to extend the deadline to December 31, 1979. The TACB provided this material to EPA on December 28, 1979. Since this material has not previously been subjected to notice and comment, EPA is conditionally approving this portion of the plan today. EPA is currently reviewing the adequacy of the submittal and notes that the conditional approval will remain in effect until EPA takes final action on this portion of the SIP.

As noted in the General Preamble for Proposed Rulemaking on Approval of Plan Revisions for Nonattainment Areas, 44 FR 20376 (April 4, 1979), the minimum acceptable level of stationary source control for ozone SIPs, such as Texas, includes RACT requirements for VOC sources covered by CTGs the EPA issued in 1978. The State has specified that it would adopt and submit by each future January additional RACT requirements for sources covered by CTGs issued by the previous January. The submittal date for the first set of additional RACT regulations was revised from January 1, 1980 to July 1, 1980 by Federal Register notice of August 28, 1979 (44 FR 50373). Today's approval of the ozone portion of the Texas plan is contingent on the submittal of the additional RACT regulations which are due July 1, 1980 (for CTGs published between January 1978 and January 1979). In addition, the above requirements are set forth in the "Approval Status" section of the final rule. If RACT requirements are not adopted and submitted to EPA according to the time frame set forth in the rule, EPA will promptly take appropriate remedial action.

In the August 1, 1979 notice, under the section which discussed Regulation V, "Control of Air Pollution from Volatile Organic Compounds," EPA identified ten issues (see 44 FR 45207) for which the State's regulation either was not supported by the information in the Control Techniques Guidelines (CTGs) or was not consistent with EPA's past policy concerning SIP revisions in general. In regard to these deficiencies, the State has submitted further clarification or committed to corrective action, as follows.

1. In regard to those control measures specified in Subchapter 131.07.55.105 for wastewater separators used exclusively in conjunction with the production of crude oil or condensate, it was determined to be inconsistent with RACT; the State, in its correspondence of August 14, 1979, has specified that it was not their intent to encourage or allow top cutoff and retrofit with external single seal floating roofs as a means of compliance with this subsection, and would require double seal external floating roofs in order to be equivalent to covered roof tanks equipped with internal floating roofs with single seals. Therefore, this subchapter is acceptable.

2. In regard to Subchapter 131.07.54, which pertains to the control of VOC emissions from the filling of gasoline storage vessels for motor vehicle dispensing facilities, EPA proposed disapproval of this subchapter for those nonattainment counties which are covered under the federal promulgation published in the July 21, 1977 Federal Register (at 42 FR 37376). In light of discussions with the State and the State's willingness to work toward development of a State regulation consistent with EPA guidelines, the Agency has chosen to take no action on this portion of Regulation V at this time. The federally promulgated regulations will remain in effect.

It should be noted that while EPA did not propose disapproval of two related subchapters (i.e., 131.07.52 and 53) which deal with the control of VOC emissions from bulk gasoline plants and terminals, the requirements of these subchapters are equivalent to RACT, the Agency clearly specified that the federal promulgation, which covers these source categories, would remain in effect in the designated nonattainment areas. This was done for the purpose of requiring sources presently in compliance with the federal promulgation to remain so and not attempt to delay compliance to the later dates specified in the State's regulation. Therefore, the Agency has chosen to take no action on these two subchapters at this time.

3. In their correspondence of August 14, 1979, the State specified that the exemption under Subchapter 131.07.55.105 for wastewater separators used exclusively in conjunction with the production of crude oil or condensate was intended to apply to field operations other than petroleum refineries and that the CTG document pertains only to the latter source category. EPA concurs with the State and finds the exemption acceptable. In addition, the State has committed to submit a demonstration in accordance with EPA's five percent rule for the exemption of those separators specified under Subchapter 131.07.55.103 located at refineries, receiving less than 200 gallons per day of VOC.

4. In regard to Subchapter 131.07.56, the State has committed to submit a demonstration that the exemption for vacuum producing systems emitting less than 100 pounds per day will be in accordance with EPA's five percent rule.

5. The State has committed, in their correspondence of August 14, 1979, to revise Subchapter 131.07.59.101, which pertains to the control of VOC emissions from the use of cutback asphalt in such a manner as to be consistent with the RACT requirements for this source category. In addition, the regulation will be revised to include all nonattainment counties in which the use of cutback asphalt constitutes 100 tons per year or more of VOC emissions on a countywide basis.
6. In regard to Subchapters 131.07.59.102–104, the State has committed to revise the regulation so as to require Control System B for facilities with emission rates equal or greater than 18 tons per year in Harris County, and in all other nonattainment counties, for facilities which have decreasing operations emitting in excess of 100 tons per year. In addition, the State has committed to submit a demonstration that the exemption, as provided, for Harris County will be consistent with EPA's five percent rule.

7. In their correspondence of August 30, 1979, the State has specified that, under Subchapter 131.07.60.102, the extension of the final compliance date to December 31, 1985 was intended to apply to those can coating sources which could provide evidence of extreme hardship, and has committed to submit all such compliance schedules requested by EPA for approval. The CAA requires that requests for extensions beyond final attainment dates meet the requirements of Sections 110 and 172.

8. The State has committed to include test procedures for determining compliance with surface coating and gasoline terminal regulations in the Compliance Sampling Manual. The State does not intend to submit the Compliance Sampling Manual as part of the SIP. However, EPA finds this approach acceptable on the basis that 40 CFR 52.12 specifies applicable test methods. 40 CFR 52.12 applies to plan provisions which do not specify a test procedure and states that for purposes of federal enforcement, sources subject to such a SIP will be tested by means of the appropriate procedures and methods prescribed in Part 60.

9. In regard to those sources which were previously exempt from the requirements of Regulation V and which are now required to comply, as specified under Subchapter 131.07.62, the State has committed, in their correspondence of August 30, 1979, to submit compliance schedules for all affected sources in accordance with 40 CFR 51.14.

10. Subchapter 131.07.62.101 includes a provision which exempts methyl chloroform (1,1,1 trichloroethane). This VOC, while not appreciably affecting ambient ozone levels, is potentially harmful. Methyl chloroform has been identified as mutagenic in bacterial and mammalian cell test systems, a circumstance which raises the possibility of human mutagenicity and/or carcinogenicity.

Furthermore, methyl chloroform is considered one of the slower reacting VOCs which eventually migrates to the stratosphere where it is suspected of contributing to the depletion of the ozone layer. Since stratospheric ozone is the principal absorber of ultraviolet light (UV), the depletion could lead to an increase of UV penetration resulting in a worldwide increase in skin cancer.

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

The Agency is concerned that the State has chosen this course of action without full consideration of the total environmental and health implications. The Agency does not intend to disapprove the State SIP submittal if, after due consideration, the State chooses to maintain this exemption. However, we are concerned that this policy not be interpreted as encouraging the increased use of this compound nor compliance by substitution. The Agency does not endorse such approaches. Furthermore, State officials and sources should be advised that there is a strong possibility of future regulatory action to control this compound. Sources which choose to comply by substitution may well be required to install control systems as a consequence of these future regulatory actions.

EPA concurs with the State's findings and actions on each of these issues, and has determined that such action will be sufficient for the removal of the noted deficiencies. Therefore, EPA conditionally approves the revisions to Regulation V (with the exception of that portion for which EPA will take no action, at this time) provided that the State meets the following schedule:

1. All demonstrations needed to indicate compliance with EPA's five percent rule be submitted by December 31, 1979.
2. All required compliance schedules be submitted to EPA by March 30, 1980.
3. Adopt and submit to EPA the necessary revisions to Regulation V by August 1, 1980. A notice soliciting public comment on the acceptability of this date appears elsewhere in today's Federal Register. The material required by December 31, 1979 has been received. EPA is reviewing the submission and the conditional approval remains in effect until EPA takes final action on this portion of the SIP.

Carbon Monoxide

In the August 1, 1979 notice of proposed rulemaking, the Agency identified the area designated as nonattainment for carbon monoxide (CO), and discussed the proposed control strategy in regard to its adequacy to achieve attainment. No deficiencies were identified and the plan was found to be adequate to demonstrate attainment. Therefore, EPA is approving this portion of the Texas SIP.

Particulate Matter

As noted in the August 1, 1979 notice, the State requested redesignation of eleven of the 25 areas originally designated as not attaining the National Ambient Air Quality Standards (NAAQS), for total suspended particulate (TSP), to either attainment or unclassified. These areas are as follows: Eagle Pass, Progresso, McAllen, Texas City, San Antonio, two areas in Harris County, three areas in Fort Worth, and one area in El Paso. A notice proposing approval of these redesignations was published by EPA in the October 12, 1979 Federal Register (at 44 FR 59322). Therefore, EPA has chosen to take no action on these eleven areas at this time.

In addition, on November 28, 1979, the State requested redesignation of an additional area in El Paso from nonattainment to attainment. Since EPA will be proposing action on this redesignation in a separate Federal Register notice, soon to be published, the Agency will also take no action on this area at this time.

Under the above reference notice, EPA stated that for eight of the remaining nonattainment areas (now seven, due to the November 26, 1979 request for redesignation) the control strategy was inappropriate, since the Agency had reviewed the monitor sites and found them to be acceptable. In contrast to the State's contention that they were improperly sited. Therefore, EPA proposed to require that complete and relevant control strategies be developed for these areas, including as a minimum, emission inventories, design values, required percentages of reduction, and demonstrations of reasonable further progress (RFP) and attainment. In regard to this deficiency, the State committed to submit a draft SIP revision by August 13, 1979 which would include a schedule indicating the phases in which the control strategies would be developed and completed. However, in their correspondence of August 30, 1979, the State requested that...
the schedule be renegotiated. The correspondence also included a clarification of the nonattainment areas which would be covered in this submittal and EPA has determined that the areas are commensurate with the areas that the Agency considers to be deficient.

EPA stated in the August 1, 1979 notice, that conditional approval could be granted provided that the draft SIP revision contained:

1. An analysis of the impact of stationary sources on each of the nonattainment areas in question and a reasonable schedule to adopt controls if the analysis indicated the need for such, and

2. An analysis of the impact of nontraditional sources on the nonattainment areas in question and a reasonable schedule to conduct studies to control the nontraditional sources.

On December 13, 1979, the State submitted a workplan for the development of the control strategies for these areas which would indicate attainment of the primary standards by December 1982 and the secondary standards by December 1987, and committed to a schedule for the completion of the major steps in their development.

Therefore, EPA is conditionally approving the TSP plans for San Benito, Brownsville, Corpus Christi 3, 4 Corpus Christi 2, Dallas 1, Dallas 3, and El Paso, based upon the State meeting the following schedule:

- March 3, 1980—Draft SIP revision supplement submitted to EPA.
- August 1, 1980—Adopt revision, revised Regulation I as it pertains to control of nontraditional sources, if necessary, and submit to EPA.

In the proposed rulemaking, EPA is soliciting public comment on the acceptability of this schedule. While the State is developing these revisions, Regulation I as being acted on today, will apply to these areas.

For the remaining six areas for which the State developed control strategies (i.e., Aldine, Houston 1, Dallas 2, Fort Worth 1, El Paso 1, and El Paso 2), the August 1, 1979 notice identified several problems in the demonstrations of attainment.

First, EPA noted that the State had developed an emissions/air quality relationship that was not consistent with any EPA guideline for air quality estimates, and that the State must submit a demonstration indicating that their method would result in at least as stringent reductions as the linear rollback method, and that the nonattainment areas for which this method was used showed no significant industrial influence. In response to this condition, the State submitted information showing the derivation of their method which verified that it resulted in at least as stringent as the linear rollback method. Therefore, EPA accepts the State's method for determining the required percentages of reduction as being equivalent to EPA's accepted method.

Secondly, EPA noted that an error had been made in the calculation of emissions from unpaved parking lots which affected the demonstrations of attainment for all but one of these six nonattainment areas. The State has revised their calculation of this factor in accordance with the method discussed in EPA's detailed report on the Texas SIP.

Thirdly, EPA identified a number of errors in the individual control strategies for several of the nonattainment areas in their correspondence of November 21, 1979, the State submitted revised control strategies for these areas which corrected these errors.

In the August 1, 1979 notice, EPA specified that for certain of these TSP nonattainment areas showing significant industrial influence, dispersion modelling must be used rather than linear rollback in the attainment demonstrations. The State indicated, in their correspondence of September 14, 1979, difficulty in complying with this requirement, since dispersion models have limited application in areas that are predominantly influenced by fugitive dust sources due to such problems as characterization of such sources into traditional classifications, etc. In addition, the State has certified that Regulation I is equivalent to RACT, and is therefore precluded from developing further stationary source controls, since all reasonable controls are presently required. Therefore, in the State's judgment, the requirement for modelling appears to be unreasonable, since the nonattainment problem in these areas is of a localized nature and predominantly due to fugitive dust source.

EPA acknowledges the difficulties associated with the use of dispersion modelling in areas primarily influenced by fugitive dust sources. Therefore, since the state has certified that Regulation I is equivalent to RACT, and has committed to control fugitive dust sources to the extent needed to demonstrate RFP and attainment through Regulation I, as it is being approved today, EPA is eliminating the requirement for dispersion modelling in those TSP nonattainment areas identified as requiring such in the August 1, 1979 notice.

EPA concurs with the State's findings and actions on these nonattainment areas and the corrective action taken in regard to Regulation I. EPA is hereby, approving the Texas plan for the TSP nonattainment areas of Aldine, Dallas 2, Fort Worth 1, El Paso 1, and El Paso 2.

For the Houston 1 TSP nonattainment area, EPA requires further assurance that RACT is in place for certain industrial categories. Therefore, EPA is taking no action on the control strategy for the Houston 1 area until the Agency is assured that RACT is in place for these categories.

New Source Review

In the proposed rulemaking, EPA reviewed the provisions of Regulation VI, "Control of Air Pollution by Permit for New Construction or Modification," which was revised by the State so as to incorporate the requirements of Section 173 of the Act into its permit system. In that notice (see 44 FR 45200 Column 3 through 45210 Column 1) EPA noted three issues on which the State's regulation deviated from the provisions of Section 173 of the Act. In their correspondence of August 30, 1979, and through negotiation, the State has committed to the following corrective actions, to be taken by August 1, 1980 except as noted:

1. Regarding Subchapter 131.06.00.03(a)(13) the State has committed to revise the rule to provide for application of offsets in all nonattainment areas, designated as such after March 3, 1978.

2. The offsets provision can remain in effect for no longer than nine months from the date of the area's nonattainment designation while the state develops and submits a nonattainment plan. If the state submits a plan within the nine month period, the offset policy can continue for an additional six months from the plan due date or until EPA takes action to approve or disapprove the plan, whichever comes first. However, if the state fails to submit a plan before the nine month period expires, the offset policy will expire when EPA acts to impose the construction moratorium specified in Section 110(a)(2)(B) of the Clean Air Act.

3. Regarding Subchapters 131.01.001. (29) and (30) of the general rules, the State has agreed to revise the definitions of "major source" and "major
Public Comments

Numerous comments were received from individuals representing private industry, environmental groups, private citizens, and state and local governments, covering a variety of issues addressed in the August 1, 1979, notice of proposed rulemaking in the Texas SIP.

Of these, a large number, either in part or in their entirety, took exception to EPA's proposed action on that portion of the Texas SIP which deals with the requirement for an analysis of alternatives for Harris County as specified under Section 172(b)(11)(A) of the Act. In general, these comments alleged a lack of any definitive means of requiring an applicant for a new or modified source to perform the analysis of alternatives.

According to Section 172(b)(11)(A), for areas which cannot attain the ozone standard by December 31, 1982, states are required to establish a program which requires, prior to issuance of any permit for construction or modification of major emitting facilities, an analysis of alternative sites, sizes, production processes, and control techniques which demonstrates that benefits of the proposed source significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification. Since the Agency has not issued definitive guidance on the nature of the program, states are free to develop programs which best fit the individual needs of their permitting operations. As specified elsewhere in this notice, the State has submitted the language it intends to use in its revised permit application form, and has provided a written commitment to inform applicants who do not perform the required analyses that a permit meeting federal requirements cannot be issued. Insofar as the State has committed to the operation of the program in a manner that is consistent with the intent of Section 172(b)(11)(A), EPA is approving this portion of the Texas SIP.

One commenter objected to EPA's redesignation of a portion of Nueces County from "cannot be classified or better than national standards" to "nonattainment" for ozone in the September 11, 1979, Federal Register (at 43 FR 40433) which amended certain of the original designations made on March 3, 1978 (at 43 FR 6952). In the latter notice, EPA stated that the entire county was being redesignated as nonattainment as a partial county designation could not be supported with geographical or emission densities arguments. Since EPA policy on this issue has not changed, the Agency contends that the redesignation is justifiable.

Another commentator stated that, in their judgment, the additional measures, identified by the State and listed at 44 FR 45206 (August 1, 1979), as potential measures for possible implementation in Harris County, are unrealistic and will not result in the predicted amount of VOC reductions.

It is EPA's intention to require states that cannot demonstrate attainment of the ozone standard in a given area by 1982, to submit revisions to the state plans in 1982 which will demonstrate attainment by 1987. The current requirement for states to identify potential measures which may be used in the 1982 revision comes from Section 172 of the Act and EPA policy, and is intended to initiate analysis of these measures, and allow for integration into the current plan. EPA agrees that the current estimates for these measures can be improved, and the Agency anticipates that this process will result in more accurate estimates to serve as the basis for the 1982 SIP revision. Neither EPA nor the State regards the identified measures or the estimated reductions as specific commitments. However, the 1982 revision must contain these or other legally enforceable measures which will result in sufficient VOC reductions to achieve attainment of the ozone standards in Harris County by 1987.

Two commentors objected to EPA's determination on Subsection 131.08.00.005(e)(16) under Regulation VI, which stated that it was in conflict with the Agency's Interpretative Ruling. Their objection was based on the fact that, requiring offsets in newly designated rural ozone nonattainment areas was unreasonable and inequitable since rural areas designated as such at this time are not subject to the offset requirement.

EPA does not agree that it is unreasonable or inequitable to apply the Interpretative Ruling concerning offset requirements to new sources that apply for permits during the period in which a rural area is newly designated as nonattainment for ozone, and a revised SIP is being prepared. In this period it is clear that the existing SIP provisions are inadequate to achieve attainment, and the comprehensive requirements of Part D of the Act have not yet been established in a revised SIP. Application of the Interpretative Ruling in this interim period works to limit the compounding of air quality problems, and the continued deterioration of air quality past the standard. The commenter implies that it is equivalent to the requirement for reasonable further progress (RFP) in a revised SIP for an urban non-attainment area, and because the RFP demonstration is not required for rural areas, emissions offsets should not apply to rural areas. EPA's policy of not requiring RFP demonstrations for rural areas in the SIP does not imply that actual progress need not occur in the area. EPA allows the deletion of this requirement in the rural SIP because the demonstration of RFP in related urban areas and the other requirements on stationary sources contained in Part D would indicate that RFP will occur in the rural area as well.

One of the commentators felt that the General Preamble should have been subjected to the notice/hearing requirements of the Administrative Procedure Act (APA). Furthermore, the commenter noted that in referencing the requirements of EPA's Interpretative Ruling, the General Preamble failed to mention that the substance of the Interpretative Rule is being litigated.

The General Preamble was issued to supplement EPA's proposal on each Part D SIP revision, including Texas. It identified major considerations guiding EPA's evaluation of the submittals and was to assist the public in commenting on the approvability of them. Therefore, the public had full opportunity to comment on the General Preamble with each Part D revision proposal. The
provisions of the Interpretative Ruling apply whether or not they are referenced in the General Preamble. Although the Interpretative Ruling may be under judicial review, its provisions remain in force until struck down or otherwise revised.

Another commenter addressed EPA's proposed approval of Regulation V, on the condition that affected sources (i.e., those sources previously exempt under Rule 507) submit compliance schedules to the State by the end of 1979 and to EPA by March 31, 1990. Such duplicative filing would be in the commenter's opinion, result in unnecessary delays.

It was not EPA's intent to require duplicative filing of compliance schedules, but, rather to require the TACB to submit to the Agency the applicable compliance schedules.

Two commentors stated that the Texas SIP was deficient in that it failed to provide for citizen suits in pollution/violation matters. The commentors also alleged that the SIP did not provide for public participation in the enforcement process of the state program, citing Citizens for a Better Environment v. Environmental Protection Agency, 596 F.2d 720, (7th Cir. 1979). EPA's response to these commentors is threefold. First, the Clean Air Act does not require that SIPs provide for citizen suits. Secondly, citizens may seek enforcement of SIP provisions under Section 304 of the federal statute 42 U.S.C. 7404. Thirdly, Citizens for a Better Environment, id., is inapplicable for the reason that case deals with specific provisions of the Clean Water Act 33 U.S.C. 1251 et seq. which are not found in the Clean Air Act.

The League of Women Voters of Texas submitted a number of comments on the proposed Revisions to the Texas SIP for nonattainment areas. These comments, outlined below, were generally favorable to the EPA position. The League agreed with the reclassification of nonattainment areas based on the revision of the ozone standard, but urged careful monitoring in these areas to assess the impact of future population growth on air quality. The League concurred with ozone control strategies for the nonattainment areas, and the EPA position that no demonstration of RFP need be made in rural nonattainment areas. They urged, however, that the TACB make a stronger commitment to VOC emissions control by adopting RACT regulations for sources covered by further CTGs, demonstrating RFP in areas projected to attain the standard in 1982, and adopting RACT regulation for a variety of VOC sources. EPA notes that while the TACB states that they will consider further CTGs, they are required to adopt RACT regulations for CTG sources, either using the CTG control as the "presumptive norm" for RACT, or demonstrating that other regulations are equivalent to RACT. EPA has addressed this issue elsewhere in this notice. The League suggested that TACB provide assurances that there were no VOC sources which could not be regulated under the SIP. EPA notes that its current guidelines do not require RACT control of all sources for nonattainment areas projected to attain the standard by 1982, but EPA does require RACT for all CTG sources, and such additional control of VOC sources as may be necessary for RFP.

In further comments on the ozone control strategy, the League of Women Voters urged that the 5% reduction in the projected increase in vehicle miles travelled (VMT) be carefully monitored and verified, but concluded that this VMT reduction and the I/M program would provide sufficient reduction in mobile source emissions to result in RFP. However the League criticized the TACB for providing only the minimum necessary programs instead of strongly committing to attainment of the ozone standard.

The League offered comments urging stronger plans to improve Houston transit facilities, and suggested that HGAC could assume primary responsibility for improved public transportation planning. EPA notes that transportation planning is of necessity divided between the MTA, and HGAC and the TACB, but that the HGAC must approve and adopt all measures which are to be implemented.

The League made a number of comments directed to the TACB revisions to Regulation V concerning RACT controls for sources of VOC emissions. They recommended that EPA not approve the TACB regulations concerning loading and unloading facilities for VOCs, gasoline bulk plants and filling gasoline storage vessels because of the exemptions allowed. They also recommended disapproval of regulations relating to asphalt controls, degreasing, can coating, surface coating and gasoline terminals until it is demonstrated that RACT is being applied.

EPA's response to these issues, in addition to the State's commitment to corrective action on certain of these deficiencies, can be found in this notice under the Section entitled "Ozone."

The League particularly noted its concern that the TACB regulations exempted methyl chloroform and/or methylene chloride, which are not photochemically reactive in the lower atmosphere, but which may have an impact on public health. Although the League urged disapproval of these regulations, EPA, in the TACB's position that until more is known about these compounds, EPA cannot disapprove a SIP for attainment of the ozone standard which exempts these non-reactive compounds.

The League comments included its agreement that the FMVCP would be adequate to attain the CO standard in the El Paso area, but they urged that the TACB track both VMT and emission reductions to assure RFP. The League also concurred with the designations of particulate nonattainment areas reported in the proposed rulemaking, and supported EPA's requirement that control strategies for particulate nonattainment areas include measures beyond those submitted by the State. The League pointed out their support for the particulate controls measures specified in Regulation I.

In its final comments, the League noted that the revised SIP would require cancellation of previously granted exemptions for certain VOC categories, and subsequent reapplication for exemption by the source to TACB. The League requested that TACB prepare a report to the public listing all applications resulting from this cancellation, and a report of exemptions allowed by the Board. In response to this comment, EPA notes that the TACB has committed to submit these exemptions to EPA for approval, and their availability would be established through EPA's information policies.

The Sierra Club, Lone Star Chapter, submitted a number of comments concerning the Texas proposal for control strategies in nonattainment areas. These comments are outlined in the following paragraphs.

The Sierra Club supported EPA's conditional approval of the Texas SIP on the basis of the deficiencies noted in the proposed rulemaking, and urged that EPA should expect timely compliance with all deadlines. Based on the State's request, elsewhere in today's Federal Register, EPA is proposing new deadlines. Although public comment is solicited, and the deadlines may be changed in light of comment, the State remains bound by its commitment to meet the proposed deadlines, unless they are changed.

The Sierra Club commented that the TACB did not provide adequate notice and public hearings, in that the November round of hearings did not address the revised ozone standard or the I/M program. EPA's view the TACB hearings were not inadequate in
that, at the time, the TACB had not been
delegated legal authority for I/M from
the Texas legislature, and with the
revision of the ozone standard, the more
extensive I/M program mandated by Texas
were scaled down to address the
one nonattainment area for which an
extension of the 1982 attainment-
deadline was requested. The Sierra Club
also expressed concern that the
agreement between the TACB and the
HGAC would prevent citizen
participation in the I/M planning
process. It is EPA's understanding that
this agreement does not preclude public
involvement, and EPA supports and
encourages such participation.

The Sierra Club supported EPA's
conditional approval of the
transportation planning portion of the
SIP, but asked whether the commitment
to public transportation improvement
would come from local governments in
Harris County, and further questioned
whether it would be possible to get a
commitment to implement currently
planned TCMs by October 29, 1979. It is
EPA's position that official commitment
to public transportation improvement
which is to be submitted to EPA in
response to the conditional approval,
must be adopted first by the HGAC,
then approved by the TACB, and then
submitted as a SIP revision. The TACB
has stated to EPA that the October 29,
1979 deadline for a commitment to the
implementation of currently planned
TCMs could not be met, and EPA has
agreed to extend this deadline to
December 31, 1979.

The Sierra Club supported EPA's
conditional approval of the proposed
particulate control strategy, but
questioned the effectiveness of the
FMVCP for attaining the carbon
monoxide standard in El Paso. At this
time EPA does not have information that
would indicate that the demonstration
of attainment based on the FMVCP is
not valid, and so cannot require TCMs in
the State's plan.

The Sierra Club, Lone Star Chapter,
also submitted under separate cover,
comments on the TACB's rules and
regulations. A number of the comments
addressed portions of the regulations
which are not pertinent to the
requirements of Part D. EPA will reserve
response to these and address them
under a separate Federal Register notice
dealing with non-Part D requirements, to
be published at a later date.

The Sierra Club commented that with
respect to Regulation I, Subchapters
313.03.04.001-005 should apply state-
wide and not just to the TSP
nonattainment areas. The Sierra Club
also expressed concern that prior to
their revision, these subchapters had
applied to all areas, and their removal
would actually result in a relaxation of the
controls for TSP. EPA has historically supported the
collection of applying controls statewide,
but cannot require such a provision. In
addition, prior to this revision,
Subchapters 313.03.04.001-005 applied
only to those Standard Metropolitan
Statistical Areas (SMSAs) where the
standards for TSP were exceeded.
According to the April 4, 1979 General
Preamble, (at 44 FR 20379), existing
requirements may not ordinarily be
relaxed or revoked, even when new
requirements are being added to the SIP.
EPA will review this change in the
application of these subchapters from
SMSAs to nonattainment areas, and
should it result in the cancellation of this
portion of Regulation I in previously
controlled areas, the Agency will
address this issue in a separate Federal
Register notice dealing with non-Part D
requirements, to be published at a later
date.

The Sierra Club objected to that
portion of Regulation I which exempts
agricultural processes from certain
subchapters of the regulation.

In regard to TSP control strategies,
EPA policy has been that only the
degree of control necessary to
demonstrate attainment will be
required. If the State can demonstrate
attainment in the TSP nonattainment
areas without imposing control on
agricultural processes, they may do so.

The Sierra Club objected to
Subchapter 313.07.52.101(3) Regulation
V, because it did not specify that
gasoline tank trucks must be vapor-tight
at all times.

The measures specified by the Sierra
Club, Control of VOC Leaks from Tank
Trucks and Vapor Collection Systems,
are Set II CTG controls. As such, the
State is not required to adopt
regulations to impose such controls until
July 1980.

The Sierra Club supported EPA's
proposed disapproval of subchapter
313.07.54, Regulation V, EPA's rationale
for taking no action on this Subchapter
of the regulation can be found in this
notice under the section entitled
"Ozone."

The Sierra Club commented that, in
regard to the State's exemption of
methyl chloroform, they would oppose
the unnecessary use of any mutagen/
carcinogen.

EPA's position on the State's
exemption of this VOC has been
addressed in a previous comment.

The Exxon Company submitted
comments concerning EPA's federally
promulgated regulations for Stage I
vapor recovery (40 CFR 62.2265 and
52.2286, July 1978) applicable to certain
Texas counties. The commenter noted
that the State's regulation required a
vapor balance system which would meet
the specified emission limitation if, in
part, the only atmospheric emission
during transfer into the storage
container is through a storage container
vent line, and the delivery vessel is kept
vapor-tight at all times (except for
gauging) until the captured vapors are
discharged to a loading facility with
vapor recovery equipment. In contrast,
the federal regulations require that the
delivery vessel be kept vapor-tight at all
times. The commenter objected that this
case is too restrictive in that
emergency vapor venting is prohibited,
possibly leading to a hazardous
situation, and visual verification of the
contents of the delivery vessel
compartments is not allowed. The
commenter recommended that these two
procedures be specifically exempted in
the federal regulations. The commenter
also submitted extensive discussion and
calculations which indicated that a
diminimus emission of VOC would
occur as a result of exempting these
procedures.

EPA has reviewed the State's
regulation and, as noted in the August 1,
1979 notice, approved this provision of
Regulation V, thereby indicating its
equivalency with RACT, for those ozone
nonattainment counties not covered by
the federal regulations. For those counties covered by
the federal regulations, EPA has chosen to
take no action, and the Agency's
rationale for doing so is stated in this
notice under the Section entitled
"Ozone." At such time as EPA does take
action, this comment will be taken into
consideration and EPA's response will
be included in a future Federal Register
notice.

Several comments on the revisions to
the Texas SIP were received from a
group of citizens from Galveston, Texas,
who were involved in proceedings
before the TACB, relating to
construction of facilities by the Pelican
Terminal Corporation. As a result of
contesting the application for
construction, the group offered comment
concerning the adequacy of the TACB's
revisions to the SIP. First, they
questioned whether Texas' use of
Regulation VI, which did not include
emissions from vessels, was consistent
with EPA's regulations for SIPs, 40 CFR
51.18. Second, the group expressed the
view that the revisions were not in
compliance with Section 173(1)(A) of the
act which requires a demonstration of
RFP before permits for new sources can
be issued. The group also questioned the
adequacy of the Texas provisions for the application of EPA's Interpretative Ruling for emissions offset. Concerning the compliance of the revised SIP with 40 CFR 51.18, EPA has not yet resolved the question of the applicability to offshore vessel emissions. In the absence of definitive policy with regard to offshore vessel emissions, EPA is currently approving this portion of Texas' Regulation VI since it fully complies with all applicable regulations. Furthermore, EPA is advising the public that, pending EPA's final determination on this issue, Texas must either revise Regulation VI, if necessary, to be consistent with EPA policy. 

With regard to the group's second point, it is EPA's view that the Texas SIP regulations conform to the provisions of 453(1)(A) as they require the TACB to make a determination concerning RFP before a permit can be issued. Also the Texas regulations are consistent with EPA's guidance that RFP need not be demonstrated in rural nonattainment areas.

Comments were received from Mr. W. Thomas Buckle who expressed concern about deficiencies in the revisions to the SIP relating to attainment of the ozone standard and to new source review requirements.

Mr. Buckle first pointed out that the Texas SIP does not demonstrate attainment or reasonable further progress (RFP) for rural nonattainment areas. In Mr. Buckle's view, EPA's guidance that such a demonstration is not necessary is inconsistent with the requirements of the Act or EPA's existing SIP regulations, and is not supported by data or analysis. Air quality in rural areas is strongly influenced by emissions from urban areas. Because of the dominance of transported ozone and hydrocarbon precursors from urban area sources in determining rural ozone levels, EPA believes that RFP and attainment in rural nonattainment areas along with RACT requirements on major stationary sources in rural nonattainment areas will result in RFP and attainment in rural nonattainment areas where these are relatively few emission sources.

Mr. Buckle also commented that the SIP does not identify the quantity of emissions which will be allowed from new sources in ozone nonattainment areas, as is required by Section 172(b)(3) and (5) of the Act.

In EPA's view, Texas' SIP revision meets these requirements of the Act. The SIP identified the required percentages of reduction and the actual percentages of reduction achieved for each of the nonattainment areas. Therefore, where the actual percentage of reduction was greater than the required, a growth allowance was provided. This information is shown in Table 1. Since the percentages of reduction were based on 1977 emissions, this growth allowance is easily quantified.

Another comment offered by Mr. Buckle is that the revised SIP does not require offsets for new sources in rural nonattainment areas, and therefore TACB cannot demonstrate RFP which is a requirement for granting permits for such sources under Section 173 of the Act. As noted previously, it is EPA's belief that nonattainment in rural areas is largely the result of transport of ozone and hydrocarbons from urban areas. EPA further believes that reductions of emissions in urban areas will result in air quality improvement in rural areas consistent with RFP, with an additional allowance for permitting new sources. Such new sources in rural areas are required to meet the other requirements of Part D, including LAER controls. This comment is primarily addressed to EPA's General Preamble which identifies the major consideration that would guide EPA's evaluation of SIP submittals.

Another comment made by Mr. Buckle is that the revised SIP does not comply with the requirements of Section 110(a)(4), which requires that permits for sources subject to NSPS emissions standards must have a demonstration that the source will not prevent attainment or maintenance of the NAAQS. This comment is directed to portions of the SIP other than those specifically relating to Part D of the Act. EPA will respond to non-Part D comments in a later Federal Register notice.

Mr. Buckle's final comment was that the proposed SIP revisions would allow increases in hydrocarbon emissions between the present and December 31, 1982 in nonattainment areas. He points out that the Texas definition for RFP does not require straightforward reductions or application of RACM and that reductions of hydrocarbon emissions from Regulation V would not occur until December 1981. Further, the only incremental reductions that would occur are those attributable to the FMVCP. In response, EPA does not require straightforward reductions in emission as a condition for demonstrating RFP, and RACM need not be applied to all sources, except CTG sources, where RFP can be established with less than RACM. EPA does not agree that absolute increases in emission are allowed, as Texas regulations require a determination by TACB that emissions will continue to follow RFP before permits for new sources can be issued. The Texas regulations do require RACT to the extent necessary, and LAER for new sources; therefore, the growth allowance will be effective when promulgated, although final compliance is not required until December 31, 1981.

The Shell Oil Company submitted comments concerning EPA's requirement that the TACB must agree to adopt regulations for source categories covered by CTGs published in 1979 by January 1980, and furthermore to adopt by January 1981, regulations for sources covered by future CTGs which will be issued in 1980. The commenter stated that it appeared that this was required because the Texas SIP did not provide for RFP, and that the Agency was equating RACT with the CTGs. This, in the commenter's opinion was improper since the Agency is requiring compliance with standards that have not been adopted using the procedural safeguards of notice and comment.

EPA's policy on the need for RACT in the General Preamble is that, for ozone nonattainment areas where photochemical dispersion modeling is not used, RACT must be applied to all CTG source categories. A delay in the adoption of RACT has been provided to the states so that the Agency can provide guidance to the states in the form of the CTGs. Therefore, EPA does not contend that the CTGs represent RACT, but rather, represent the "presumptive norm" which does not take into account the unique circumstances within each state and allows for variation. The States are allowed to develop case-by-case determinations of RACT as specified in the September 17, 1979 Federal Register at (44 FR 35761).

The commenter also objected to the Agency expressing concern over the State's exemption for methyl chloroform, since, in the commenter's opinion, it was improper to encourage states to take action when EPA had the prime responsibility to address this issue, and had not yet done so.

The purpose of EPA's statement in the August 1, 1979 notice was to notify the states that, although regulatory control of certain VOCs was not required at this time, such control may be required in the future, and to inform the public of the potential health risks associated with these compounds. The Texas State Department of Highways and Public Transportation (TSDHPT) submitted comments in reference to Subchapter 131.07.59.101 of Regulation V, which addresses the control of VOC emissions from cutback
...commitments to corrective action, to notice. The majority of these comments V, as delineated in the August... made between... Each letter contained numerous... SIP, notice of proposed action on the Texas... comments on EPA's August... 14, and September... 1979 correspondence... The TSDHPT then discussed the situations for which the use of emulsified asphalt are not appropriate, such as sealing or surface treatment in cold weather. The commenter stated that emulsified asphalt were being used to the extent possible and indicated that the use of cutback asphalt had been significantly reduced since 1969. EPA acknowledges that emulsified asphalt are not appropriate for all applications and has allowed for states to specify conditions, and justify, those emulsions and/or applications where addition of solvent is necessary. It is the Agency's understanding that the State of Texas intends to revise Subchapter 131.07.59.101 in order to allow for those exemptions. The Texas Air Control Board (TACB) submitted extensive comments on August 14, and 30, 1979, and September 14, 1979 which reviewed negotiated agreements on Regulation V, submitted comments on EPA's August 1, 1979 notice of proposed action on the Texas SIP, and submitted additional comments on EPA's companion report to the Federal Register notice, respectively. Each letter contained numerous comments which will be addressed issue by issue. The August 14, 1979 correspondence contained a summary of the agreements made between EPA and the TACB in regard to the deficiencies in Regulation V, as delineated in the August 1, 1979 notice. The majority of these comments contained either clarifications or commitments to corrective action, to certain of the deficient portions of Regulation V. EPA has discussed these comments in detail, under this notice, in the section entitled "Ozone." As previously noted the TACB letter of August 30, 1979 contained extensive comments on EPA's notice of proposed rulemaking under Regulation V, committing to take corrective action on certain deficiencies noted in the August 1, 1979 notice. The commitments are discussed under the pertinent sections of this notice. The remaining comments will be addressed point by point. Comment: The TACB commented on EPA's statement requiring the State to provide documentation to justify the use of the 5.1 percent reduction in the projected increases in vehicle miles travelled (VMT), claimed for all urban areas. The TACB indicated that since the report, from which this figure was drawn, was EPA-sanctioned, that its use would be appropriate for making such estimates. Response: In the August 1, 1979 notice, EPA specified that the assumed reduction in VMT be justified, not on the basis that the estimate itself was unreliable, but rather from the viewpoint of its applicability to the urban areas in Texas. The report was intended to be area specific, and, as such, developed the estimated reduction from such factors as driving conditions specific to a certain locality. Therefore, the State was requested to submit additional documentation justifying the use of this estimated reduction in terms of similarities between the transportation modes used, conditions in the report, and the transportation modes in the urban areas of Texas. Comment: The TACB objected to EPA's statement proposing conditional approval provided that the State identify and commit to expeditious implementation of currently planned transportation control measures (TCMs). Their objection was based on the fact that specific measures, having a beneficial impact on air quality, could not be committed to, until an in-depth study and analysis of the measures listed in Section 108(f) of the Act had been completed. The TACB also stated that the inclusion of any TCM prior to the completion of its analysis would be premature and would appear to contravene the intent of Congress set forth in Section 174 of the Act which allows for local planning and public participation in the selection of reasonably available options. Response: In order for a TCM to be placed in the Transportation Improvement Program (TIP), it must be subjected to review for consistency with the SIP. If the TCM is found to be consistent with the SIP, this implies that the measure would have a beneficial air quality impact. Therefore, EPA does not agree that the State is required to conduct in-depth studies of the currently planned TCMs, prior to their inclusion in the SIP. Comment: The TCB stated that EPA's statement at (44 FR 45207) concerning the State's exemption for methylene chloride is in error, since Regulation V does not exempt this VOC. In addition, they stated that the TACB's Medical Resources Advisory Panel (MRAP) had reviewed the issue of exempting methyl chloroform, and concluded that additional studies are needed to better define the health risk, if any, associated with the emissions of this VOC. Response: EPA contends that the statement in the August 1, 1979 notice is not in error since it refers to the exemption of either methylene chloride or methyl chloroform, or both. The language in that notice on this issue, is included for the purpose of stating EPA's position on the matter. Since the State has provided rationale for not regulating this compound at this time, no action is required. However, EPA is obligated to notify the public of the potential health risk associated with this VOC. Comment: In regard to EPA's statement on the total suspended particulate (TSP) plan (see 44 FR 45208) the TACB submitted the following comments. They committed to develop control strategies for six of the eight TSP nonattainment areas identified by EPA as having inadequate control strategies. In addition, they committed to develop and negotiate a schedule for the two remaining TSP nonattainment areas in this group. However, they wished to point out that, while they have agreed to demonstrate attainment by 1982 or 1987 (as appropriate) at each of the monitors in question, they did not necessarily agree that these monitors were properly sited. The TACB also stated that, in their judgment, use of the 85 percent control effectiveness is justifiable since Regulation I requires such measures as are needed to attain the standards by the prescribed date. Therefore, if watering, oiling, etc., do not provide the necessary reductions, more stringent methods such as paving will be required. In addition, the TACB indicated that the use of the term "as necessary" in Regulation I points this out in a clear and unambiguous manner. Response: In regard to the TACB's clarification concerning effectiveness of Regulation I in achieving 85 percent reduction, EPA accepts the 85 percent figure as reasonable in light of the fact that control to the extent necessary will be required in order to achieve attainment in the TSP nonattainment...
areas. The remainder of the State's comments concerning the TSP portion of their plan are discussed in this notice under the section entitled "Particulate Matter."

Comment: The State objected to EPA's proposal for approval of Regulation VI on the condition that the State revise Subchapter 131.08.00.003(a)(14) to reflect that the use of significance levels in allowing exemptions from certain portions of the Interpretable Ruling is applicable only in clean areas. The State based their views on the following excerpt from the Interpretative Ruling of January 16, 1979: "It will be assumed as the starting point in reviewing a permit application that every locality in a designated nonattainment area will exceed the NAAQS (as of the new source start-up date) and that any major source locating in the area will significantly contribute to the violation. However, if the applicant or any other participant presents a substantial and relevant argument (including any necessary analysis or other demonstration) why that assumption is incorrect, then the applicability of this ruling would be determined by the specific facts in the case."

Response: In EPA's judgment, the State has incorrectly assumed that this assumption can be disproved by the applicant demonstrating that the proposed source will not significantly contribute to a violation of the NAAQS. The intent of this statement was that both conditions of the assumption be disproved; that is, that every location is exceeding the NAAQS, and that the source will contribute significantly to the exceedance. If the applicant can show that the proposed source will be located in an area that would not exceed the NAAQS (within a designated nonattainment area), this would constitute a showing that the location is a "clean" area.

Comment: The State requested further negotiation on the proposed deadlines specified in the August 1, 1979 notice.

Response: EPA has renegotiated these deadlines, and the time frames for submitting corrective action as specified in this notice, have been agreed to by the State. Refer to the previous section on these deadlines.

As previously noted, the September 14, 1979 correspondence contained extensive comments on EPA's companion report to the August 1, 1979 notice and reiterated certain agreements reached on Regulation V. Each of the relevant points raised by the TACB and EPA's response follows.
Comment: The State noted that the Evaluation Report reviewed Subchapters 131.07.52, .53, and .54 of Regulation V as compared to the Federally promulgated regulations (40 CFR 52.2283 and 52.2286). The State also commented that while the notice specified that the Federal regulation would remain in effect in certain ozone nonattainment areas, it only referred to establishing a Stage I rule for certain other ozone nonattainment areas the State's Stage I rules were applicable. The State objected to this on the basis that, in their judgment, any requirement not specifically required by Federal law or regulation is not part of the SIP and not subject to Federal promulgation.

Response: In regard to the State's comments concerning Subchapters 131.07.52, .53, and .54, EPA has addressed this issue under this notice in the section entitled "Ozone." In regard to their comment concerning their Stage I rules, EPA has addressed this issue in a previous response.

In addition to these comments, this correspondence contained several issues of concern which the State wished to bring to EPA's attention. The majority of these issues were in regard to EPA's requirements for the TSP portion of the SIP, as specified in the August 1, 1979 notice and subsequent negotiation meetings. These issues and EPA's response are addressed under this notice in the section entitled "Particulate Matter."

The State also noted in the September 14, 1979 correspondence that guidance had, only recently, been provided on the manner in which the State was to determine compliance with EPA's five percent rule. Therefore, they would need additional time to prepare the required demonstrations, and could not comply with the proposed time frame specified in the August 1, 1979 notice.

EPA acknowledges that this guidance was supplied to the State only recently, and under this notice is specifying a submittal date of December 31, 1979 which the State has agreed to.

In addition to these comments, specific to the Texas SIP, one commentor submitted extensive comments which he requested be considered part of the record for each State plan. Each of the points raised by the commentor and EPA's response follow. Although some of the issues raised are not relevant to provisions in Texas' submission, EPA is notifying the public of its response to these comments at this time.

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

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

3. The commentor noted that the recent court decision on EPA's regulations for prevention of significant deterioration (PSD) of air quality affects EPA's new source review (NSR) requirements for Part D plans as well. (The decision is Alabama Power Co. v. Costle, 5 ERC 1225 (D.C. Cir., June 16, 1979). In the commentor's view, the court's rulings on the definition of "source," "modification," and "potential to emit" should apply to Part D as well as PSD programs. In addition, the commentor believes that the court decision precludes EPA from requiring Part D review of sources located in designated clean areas.

The preamble to the Emission Offset Interpretative Ruling, as revised January 16, 1979, explains that the interpretations in the Ruling of the terms "source," "major modification," and "potential to emit" should apply to Part D as well as PSD programs. In addition, the commentor believes that the court decision precludes EPA from requiring Part D review of sources located in designated clean areas.

4. The commentor questioned EPA's requirement for a demonstration that application of all reasonably available control measures (RACM) would not result in attainment any faster than application of less than all RACM. In EPA's view, the statutory deadline is that date by which attainment can be achieved as expeditiously as practicable. If application of all RACM results in attainment more expeditiously than application of less than all RACM, the statutory deadline is the earlier date. While there is no requirement to apply more RACM than is necessary for attainment, there is a requirement to apply controls which will ensure attainment as soon as possible.

Consequently, the State must select the mix of control measures that will achieve the standards most expeditiously, as well as assure reasonable further progress. The commentor also suggested that all RACM may not be "practicable." By definition, RACM are only those measures which are reasonable. If a measure is impracticable, it would not constitute a reasonably available control measure.

5. The commentor found the mix of control measures that will achieve the standards most expeditiously, as well as assure reasonable further progress. The commentor also suggested that all RACM may not be "practicable." By definition, RACM are only those measures which are reasonable. If a measure is impracticable, it would not constitute a reasonably available control measure.

6. The Commentor found the discussion in the General Preamble of RACT for VOC sources covered by Control Technique Guidelines (CTGs) to be confusing in that it appeared to equate RACT with the guidance in the CTGs. EPA did not intend to equate RACT with the CTGs. The CTGs provide recommendations to the States...
for determining RACT, and serve as a "presumptive norm" for RACT, but are not intended to define RACT. Although EPA believes its earlier guidance was clear on this point, the Agency has issued a supplement to the General Preamble clarifying the role of the CTGs in plan development. See 44 FR 55761 (September 17, 1979).

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

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

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

Comment: Another commenter, a national environmental group, stated that the requirements for an adequate permit issued under Section 110(a)(2)(A) of the Act, and proper composition of State boards (Sections 110(a)(2)(F), (vi) and 128 of the Act) must be satisfied to assure that permit programs for nonattainment areas are implemented successfully. Therefore, while expressing support for the concept of conditional approval, the commentors argued that EPA must secure a State commitment to satisfy the permit fee and State board requirements before conditionally approving a plan under Part D. In those States that fail to correct the omission within the required time, the commenters urged that restrictions on construction under Section 110(a)(2)(I) of the Act must apply.

Response: To be fully approved under Section 110(a)(2) of the Act, a State plan must satisfy the requirements for State boards and permit fees for all areas, including nonattainment areas. Several States have adopted provisions satisfying these requirements, and EPA is working with other States to assist them in developing the required programs. However, EPA does not believe these programs are needed to satisfy the requirements of Part D. Congress placed neither the permit fee nor the State board provision in Part D. While legislative history statements that these provisions should apply in nonattainment areas, there is no legislative history indicating that they should be treated as Part D requirements. Therefore, EPA does not believe that failure to satisfy these requirements is grounds for conditional approval under Part D, or for application of the construction restriction under Section 110(a)(2)(I) of the Act.

Comments were also received from the Asphalt Emulsion Manufacturers Association (AEMA) concerning the availability of emulsified asphalts with low solvent content for all applications in all regions of the country. Although some of the issues raised are not relevant to the Texas plan, EPA is notifying the public of its response to these comments at this time. AEMA's main point is that there is no general rule for regulating solvent content of emulsified asphalt for the nation is possible because of varying conditions. AEMA urges that EPA accept each State's emulsion specifications as RACT. AEMA also incorrectly concludes that EPA has been using a figure of 5 percent nationwide RACT for maximum solvent content in emulsified asphalt.

EPA recognizes that varying conditions may require different solvent content asphalts. RACT for asphalt should be determined on a case basis in order to take varying conditions into account. Therefore, EPA has not set a nationwide standard for the solvent content of emulsified asphalt. However, EPA has accepted a 5 percent maximum solvent content regulation where a state has chosen to develop an across-the-board regulation for emulsified asphalt, rather than develop case-by-case RACT. The intent of EPA guidance has been for states to specify in the regulations, and justify, those emulsions and/or applications where addition of solvent is necessary. Since RACT can be determined on a case-by-case basis, states are free to specify necessary solvent contents on the basis of application or asphalt grade. Where a state demonstrates that these are RACT, EPA will approve the regulations. The following maximum solvent contents for specific emulsified asphalt applications have appeared in EPA guidance and are based on ASTM, AASHTO, and state specifications and on information recently received from the Asphalt Institute.

<table>
<thead>
<tr>
<th>Use</th>
<th>Maximum solvent content (percent)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Seal coats in early spring or late fall</td>
<td>3</td>
</tr>
<tr>
<td>Chip seals when dust or dirty aggregate is used</td>
<td>3</td>
</tr>
<tr>
<td>Modified, open graded aggregate that is not well washed</td>
<td>3</td>
</tr>
<tr>
<td>Mixed w/ dense graded aggregate</td>
<td>12</td>
</tr>
</tbody>
</table>

Attainment Dates

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

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

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

To implement Congress' intention that sources subject to pre-existing plan requirements, sources cannot be granted variances extending compliance dates beyond attainment dates established prior to the 1977 Amendments. EPA cannot approve such compliance date extensions even though a Section 172 plan revision with a later attainment date has been approved. However, a compliance date extension beyond a pre-existing attainment date may be granted if it will not contribute to a violation of an ambient standard or a PSD increment.1

In addition, sources subject to pre-existing plan requirements may be relieved of complying with such requirements only if a Section 172 plan imposes new, more stringent control requirements that are incompatible with controls required to meet the pre-existing regulations. Decisions on the incompatibility of requirements will be made on a case-by-case basis.

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

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

This notice of final rulemaking is issued under the authority of Sections 110 and 172 of the Clean Air Act, as amended.

Dated: March 17, 1980.
Barbara Blum,
Deputy Administrator.
Douglas M. Costle, Administrator.

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

Subpart SS—Texas

1. In §52.2270, paragraph (c) is amended by changing the number of paragraph (18), promulgated on September 24, 1979, at 44 FR 55005, to number (17), and adding new paragraphs (20), (21), (22), and (23) as follows:

2. In §52.2272, the Texas plan is conditionally approved under Section 110 of the Clean Air Act as amended in 1977, except as noted below. In addition, continued satisfaction of the requirements of Part D for the ozone portion of the SIP depends on the adoption and submittal of RACT requirements by July 1, 1980 for the sources covered by CTGs issued between January 1978 and January 1979 and adoption and submittal by each subsequent January of additional RACT requirements for sources covered by CTGs issued by the previous January.

5. In Subpart SS, §52.2275 is revised by changing the title of §52.2275, revoking paragraphs (a), (b), (c), (d), and (e), and adding a new paragraph (a), and renumbering paragraphs (c), (d), and (e) to (b), (c) and (d). As revised §52.2275 reads as follows:

§52.2275 Control strategy and regulations: Ozone.

(a) Part D Conditional Approval. The Texas plan is conditionally approved under Section 110 of the Clean Air Act as amended in 1977, except as noted below. In addition, continued satisfaction of the requirements of Part D for the ozone portion of the SIP depends on the adoption and submittal of RACT requirements by July 1, 1980 for the sources covered by CTGs issued between January 1978 and January 1979 and adoption and submittal by each subsequent January of additional RACT requirements for sources covered by CTGs issued by the previous January.

6. In Subpart SS, a new §52.2277 is added and reads as follows:

1See General Preamble for Proposed Rulemaking, 44 FR 30373-3-April 4, 1979.)
§ 52.2276 Control strategy and regulations: Particulate matter.

(a) Part D Conditional Approval. The Texas plan for total suspended particulate (TSP) for the nonattainment areas of San Benito, Brownsville, Corpus Christi 1, Corpus Christi 2, Dallas, Dallas 3, and El Paso 4 is conditionally approved until the State satisfactorily completes the following items:

(1) Draft SIP revision supplement submitted to EPA.

(2) Public hearing completed.

(b) § 52.2277 [Revoked and Reserved]

(c) § 52.2278 [Revoked and Reserved]

7. Section 52.2279 is revised to read as follows:

§ 52.2279 Attainment dates for national standards.

The table below presents the latest dates by which the national standards are to be attained. The dates reflect the information presented in Texas' plan, except where noted.

<table>
<thead>
<tr>
<th>Air quality control region</th>
<th>Particulate matter</th>
<th>Sulfur oxides</th>
<th>Nitrogen dioxide</th>
<th>Carbon monoxide</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Primary</td>
<td>Secondary</td>
<td>Primary</td>
<td>Secondary</td>
</tr>
<tr>
<td>Abilene-Willie Falls Intrastate</td>
<td>b</td>
<td>b</td>
<td>b</td>
<td>a</td>
</tr>
<tr>
<td>Amarillo-Lubbock Intrastate</td>
<td>b</td>
<td>b</td>
<td>b</td>
<td>a</td>
</tr>
<tr>
<td>Austin-Waco Intrastate</td>
<td>b</td>
<td>b</td>
<td>a</td>
<td>a</td>
</tr>
<tr>
<td>Brownsville-Laredo Intrastate (except Cameron County)</td>
<td>b</td>
<td>a</td>
<td>a</td>
<td>a</td>
</tr>
<tr>
<td>Brownsville-Laredo Intrastate (Cameron County only)</td>
<td>b</td>
<td>a</td>
<td>a</td>
<td>a</td>
</tr>
<tr>
<td>Corpus Christ-Victoria Intrastate (except Nueces and Victoria Counties)</td>
<td>b</td>
<td>b</td>
<td>a</td>
<td>a</td>
</tr>
<tr>
<td>Corpus Christ-Victoria Intrastate (Nueces County only)</td>
<td>b</td>
<td>b</td>
<td>b</td>
<td>a</td>
</tr>
<tr>
<td>Corpus Christ-Victoria Intrastate (Victoria County only)</td>
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<td>b</td>
<td>b</td>
<td>a</td>
</tr>
<tr>
<td>Midland-Odessa-San Angelo Intrastate (except Ector County)</td>
<td>b</td>
<td>b</td>
<td>b</td>
<td>a</td>
</tr>
<tr>
<td>Midland-Odessa-San Angelo Intrastate (Ector County only)</td>
<td>b</td>
<td>b</td>
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<td>a</td>
</tr>
<tr>
<td>Metropolitan Houston-Galveston Intrastate (except Brazoria, Harris and Galveston Counties)</td>
<td>b</td>
<td>b</td>
<td>a</td>
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</tr>
<tr>
<td>Metropolitan Houston-Galveston Intrastate (Brazoria and Galveston Counties only)</td>
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<td>b</td>
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<td>a</td>
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<tr>
<td>Metropolitan Houston-Galveston Intrastate (Harris County only)</td>
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</tr>
<tr>
<td>Metropolitan Dallas-Fort Worth Intrastate (except Dallas and Tarrant Counties)</td>
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<tr>
<td>Metropolitan Dallas-Fort Worth Intrastate (Dallas and Tarrant Counties only)</td>
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</tr>
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<td>Metropolitan San Antonio Intrastate (except Bexar County)</td>
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<tr>
<td>Metropolitan San Antonio Intrastate (Bexar County only)</td>
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<tr>
<td>Southern Louisiana-Southwest Texas Intrastate (except Jefferson and Orange Counties)</td>
<td>b</td>
<td>b</td>
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<td>Southern Louisiana-Southwest Texas Intrastate (Jefferson and Orange Counties only)</td>
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<td>El Paso-Ciudad-Amilogordo Intrastate</td>
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<td>El Paso-Ciudad-Amilogordo Intrastate (El Paso County only)</td>
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<td>Shreveport-Texarkana-Tyler Intrastate (except Gregg County)</td>
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<td>Shreveport-Texarkana-Tyler Intrastate (Gregg County)</td>
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Note—Dates or footnotes which are italicized are prescribed by the Administrator because the plan does not provide a specific date.

(a) Air quality levels presently below secondary standards.

(b) July 1976.

(c) December 31, 1982.

(d) December 31, 1987.

Note—Sources subject to plan requirements and attainment dates established under Section 110(a)(2)(A) prior to the 1977 Clean Air Act Amendments remain obligated to comply with those requirements by the earlier deadline. The earlier attainment dates are set out at 40 CFR §52.2279 (1978).

§ 52.2284 [Revoked and Reserved]

8. Section 52.2284 is revoked and reserved.

§ 52.2287 [Revoked and Reserved]

9. Section 52.2287 is revoked and reserved.
Correction

§ 413.03 [Corrected]

1. Section 413.03 has been corrected to read:

This part shall apply to any electroplating operations in which metal is electroplated on any basis material and to related metal finishing operations as set forth in the various subparts, whether such operations are conducted in conjunction with electroplating or conducted independently; provided, however, that until proposed § 403.6(e) of EPA's General Pretreatment Regulations (44 FR 62286, October 29, 1979) becomes effective, this Part does not apply to integrated facilities. An integrated facility is one that performs electroplating as only one of several operations necessary for manufacture of a product at a single physical location and has significant quantities of process wastewater from non-electroplating manufacturing operations. In addition, to qualify as an "integrated facility" one or more plant electroplating process wastewater lines must be combined prior to or at the point of treatment (or proposed treatment) with one or more plant sewers carrying process wastewater from non-electroplating manufacturing operations.

§ 413.03 [Corrected]

2. The second sentence of § 413.03(b) which previously read:

(b) * * * * In applying the pretreatment standards where more than one but less than 30 samples have been taken and analyzed during any month * * * *

has been corrected to read:

(b) * * * * In applying the pretreatment standards where more than one but less than 30 samples have been taken and analyzed during any reporting period * * * *

3. Prior to paragraph (a) of § 413.12, § 413.22, § 413.42, § 413.52, and § 413.62 add:

This correction insures that the introductory paragraph before paragraph (a) will be printed in the Code of Federal Regulations.

4.(c) The explanatory note following § 413.42 has been corrected to read:

Note.—41 FR 53019, December 3, 1976, § 413.42 was suspended indefinitely and has not been repromulgated.

4.(d) The explanatory note following § 413.52 has been corrected to read:

Note.—41 FR 53019, December 3, 1976, § 413.52 was suspended indefinitely and has not been repromulgated.

4.(e) The explanatory note following § 413.62 has been corrected to read:

Note.—41 FR 53019, December 3, 1976, § 413.62 was suspended indefinitely and has not been repromulgated.

The proposed amendment to the above rule drafted to accommodate the Foss application drew comments from Sea-Land Service, Inc. This party alleged the exemption as contained in the proposed language would unintentionally include general cargo which could be moving on a port-to-port basis in the British Columbia, Canada/Alaskan trade. Recognizing this potential, the Commission has now determined that in lieu of amending the existing exemption in the manner proposed in this proceeding, it would be preferable for the sake of clarity to allow § 536.1(a)(5) to continue in its present form as it relates to exempting cargo moving on through joint rates and to add a new subparagraph (6) to provide for the exemption of cargo moving in bulk without mark or count in rail cars on a port-to-port rate basis.

This further exemption will not substantively impair effective regulation by the Commission, be unjustly discriminatory or be detrimental to commerce.

Now, therefore, it is ordered, Pursuant to section 4 of the Administrative Procedure Act, 5 U.S.C. 533; sections 18(b), 35 and 43, Shipping Act, 1916, 46 U.S.C. 817(b), 833(e), and 844(a); and Title 46 CFR 536.1, Exemptions and exclusions is amended effective March 25, 1980, by the addition of a new paragraph (a)(6) reading as follows:

§ 536.1 Exemptions and exclusions.

• • • •

(e) * * *

(6) Transportation by water of cargo moving in bulk without mark or count in rail cars on a local port-to-port rate basis between ports in British Columbia, Canada and United States ports on Puget Sound: Provided, That the rates charged for any particular bulk type commodity on any one sailing will be identical for all shippers and provided that this exemption shall not apply to cargoes originating in or destined to foreign countries other than Canada; and further provided that the carrier will remain subject to all other provisions of the Shipping Act, 1916.

* * *

By the Commission.

Francis C. Hurney, Secretary.

[F.R. Doc. 80-5829 Filed 3-24-80; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

46 CFR Part 536

[Docket No. 79-63; General Order No. 13; Amdt. 3]

Publishing and Filing Tariffs by Common Carriers in the Foreign Commerce of the United States; Exemptions and Exclusions

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: This rule provides for exemption of all common carriers by water from tariff filing requirements of section 18(b) of the Shipping Act, 1916, as to the carriage of Canadian or United States origin cargo moving in bulk without mark or count in rail cars on a local port-to-port basis between ports in British Columbia, Canada and United States ports on Puget Sound.

EFFECTIVE DATE: March 25, 1980.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573 (202) 523-5725.

SUPPLEMENTARY INFORMATION: This proceeding was initiated by a Notice of Proposed Rulemaking published in the Federal Register on July 3, 1979 (44 FR 38913), in response to an application from Foss Launch & Tug Co., for waiver of tariff filing requirements provided in section 18(b), Shipping Act, 1916. Foss requested an extension of the present set forth in 46 CFR 536.1(a)(5) applicable to intermodal cargo in rail cars moving under joint through rates between British Columbia, Canada and ports on Puget Sound in order to include in the exemption the movement of rail cars containing bulk cargo loaded into such cars without mark or count on a local port-to-port basis between North Vancouver, British Columbia, Canada and Seattle/Tacoma, Washington.

The proposed amendment to the above rule drafted to accommodate the Foss application drew comments from Sea-Land Service, Inc. This party alleged the exemption as contained in the proposed language would unintentionally include general cargo which could be moving on a port-to-port basis in the British Columbia, Canada/Alaskan trade. Recognizing this potential, the Commission has now determined that in lieu of amending the existing exemption in the manner proposed in this proceeding, it would be preferable for the sake of clarity to allow § 536.1(a)(5) to continue in its present form as it relates to exempting cargo moving on through joint rates and to add a new subparagraph (6) to provide for the exemption of cargo moving in bulk without mark or count in rail cars on a port-to-port rate basis.

This further exemption will not substantively impair effective regulation by the Commission, be unjustly discriminatory or be detrimental to commerce.

Now, therefore, it is ordered, Pursuant to section 4 of the Administrative Procedure Act, 5 U.S.C. 533; sections 18(b), 35 and 43, Shipping Act, 1916, 46 U.S.C. 817(b), 833(e), and 844(a); and Title 46 CFR 536.1, Exemptions and exclusions is amended effective March 25, 1980, by the addition of a new paragraph (a)(6) reading as follows:

§ 536.1 Exemptions and exclusions.

• • • •

(e) * * *

(6) Transportation by water of cargo moving in bulk without mark or count in rail cars on a local port-to-port rate basis between ports in British Columbia, Canada and United States ports on Puget Sound: Provided, That the rates charged for any particular bulk type commodity on any one sailing will be identical for all shippers and provided that this exemption shall not apply to cargoes originating in or destined to foreign countries other than Canada; and further provided that the carrier will remain subject to all other provisions of the Shipping Act, 1916.

* * *

By the Commission.

Francis C. Hurney, Secretary.

[F.R. Doc. 80-5829 Filed 3-24-80; 8:45 am]

BILLING CODE 6720-01-M
Interface of the International Telex Service With the Domestic Telex and TWX Services

AGENCY: Federal Communications Commission.

ACTION: Report and Order.

SUMMARY: This Order adopts, as the Commission’s policy, a requirement for interconnection upon request of the international telex networks with each other and with all domestic telex-compatible networks. The Order also requires reformation of the unified rate structure under which international telex service has been offered to the public and institution of separate, cost-based charges for terminal equipment, network access (tieline) and transmission. While the Order continues the present practice of requiring the carriers to tariff their offering of terminal equipment, it institutes a rulemaking to explore the question whether the public interest will be better served by requiring the detariffing of telex terminal equipment. A notice of this proposed rulemaking is in the proposed rules section of this issue of the Federal Register.

DATES: The Order is effective March 25, 1980.


In the matter of Interface of the International Telex Service with the Domestic Telex and TWX Services, Docket No. 21005, 42 FR 46371, September 16, 1977.

Report, Order and Further Notice of Proposed Rulemaking


By the Commission: Chairman Ferris

1. By Notice of Proposed Rulemaking released December 9, 1978, Customer Use of Telex Service, 42 F.C.C. 2d 414, we instituted the present proceeding to explore ways to enhance the usefulness to customers of international teleprinter exchange (telex) service. 2. We expressed our belief that the structure of the United States telex industry and the arrangements under which service is offered unduly restrict the availability and usefulness of telex service, foster unnecessary and expensive duplication of facilities and discriminate against certain classes of users. To facilitate and focus comment, we included in our Notice a three-part proposed policy which we believed would provide a solution to the problem areas we had found. Briefly stated, we proposed to require (1) interconnection of the various international telex networks with each other; (2) full interconnection of the international telex networks with the domestic telex and teletypewriter exchange (TWX) networks; and (3) reformation of the unified rate structure under which international telex service is currently offered to separate the provision of terminal equipment and network transmission and to require imposition of separate, cost-based charges for each. On May 16, 1977, comments on our proposed policy and the other matters which had led to this proceeding were filed by: ITT World Communications Inc. (ITTWC), RCA Global Communications, Inc. (RCAGC), TRT Telecommunications Corporation (TRT), and Western Union International, Inc. (WUI). The Western Union Telegraph Company (Western Union); Graphnet Systems Inc. (Graphnet); The Governor and Department of Regulatory Agencies of the State of Hawaii; and the Puerto Rico Communications Authority (PRCA). 3. On August 8, 1977, Responses to comments were filed by: TRW, ITTWC, RCAGC, TRT, WUI and Western Union. Replies were filed on September 19, 1977, by Graphnet, 4 the State of Hawaii, ITTWC, RCAGC, TRT, WUI and Western Union.

2. On July 11, 1979 by Transmittal No. 2191, ITTWC filed revisions to its Joint Tariff F.C.C. No. 12 (telex) which sought to establish an “unbundled” rate option for telex users who establish their own tieline with the ITTWC telex switch or to those who otherwise obtain access to the ITTWC switch at their own expense. The revised tariff offers customers paying their own access a reduction of the per minute charges while those who obtain terminals from ITTWC continue to pay the existing, higher usage charges. ITTWC’s original proposal had provided for a reduction of $.30 per minute but later increased the size of the reduction to $.50 per minute for most classes of users. ITTWC sought to justify its rate option on the grounds that customers who provide their own access save ITTWC the cost of providing terminal connections. ITTWC further asserted that the unbundled rate option is “entirely consistent” with the proposed policy in Docket No. 21005 and that it, in fact, represents a “transitional step” toward the evolution of a fully unbundled telex rate structure. Carriers of the IRCs and Western Union opposed ITTWC’s proposed revisions. Finally, Trans-Lux Corporation, a non-carrier supplier of terminal equipment which opposed the ITTWC filing, placed in the unbundling question squarely at issue by arguing that partial unbundling does not go far enough and that it is therefore inconsistent with Docket No. 21005. By Memorandum Opinion and Order released October 16, 1979, ITT World Communications Inc., FCC 79-639, F.C.C. 2d —, we denied the oppositions and allowed ITTWC’s

1. On September 19, 1977, Graphnet also filed a Contingent Motion to Clarify Issues in which it opposed the assertion in Western Union’s reply that the question of including Graphnet in our proposed interconnection policy is outside the scope of this proceeding. Graphnet noted that in its comments on our Notice of Proposed Rulemaking it had formally proposed that any policy calling for interconnection of domestic and international telex networks include its network as well as all other telex-compatible networks and that the parties had commented on its proposal. Graphnet argues its proposal is relevant and properly before the Commission for action. Accordingly, Graphnet asks us to deny Western Union’s attempt to exclude Graphnet’s proposal or to grant Graphnet’s motion formally to enlarge the issues to include it. We agree with Graphnet that the question has been properly placed before the Commission. Since Graphnet’s Contingent Motion is therefore unnecessary we shall dismiss it as moot. We treat the substance of Graphnet’s proposal beginning at paragraph 27, infra.

2. See ITTWC Transmittal No. 2192, at pp. 4, 5.
revision to become effective to permit customers to begin enjoying immediately the benefits we saw in the unbundling proposals. We did, however, take note of the question whether partial unbundling is sufficient to meet the problems of the unified rate structure and indicated that we would address it further in this document. Furthermore, despite their opposition to ITTWC's revisions, the other IRCs filed similar unbundling tariffs which they sought to justify as necessary to remain competitive with ITTWC—but for which they also claimed a cost justification. In our October 10, 1979 Order treating ITTWC's revisions, we also delegated to the Chief, Common Carrier Bureau, authority to act upon the other unbundling tariffs in a manner consistent with the policy expressed in that Order. Subsequently, the Chief of the Bureau allowed all such unbundling tariffs to become effective. However, because of the bearing of these tariffs on the proposed policy in the present proceeding, we will incorporate all the unbundling tariffs and the comments associated therewith into the record of this proceeding.

3. After reviewing the comments filed in response to our Notice of Proposed Rulemaking and the matters raised in connection with the unbundling tariffs, we conclude that we should modify our proposed policy as provided below, and that we should adopt the amended policy as our final policy in this docket. Specifically, we find that Interconnection of the IRC networks with each other for international service will serve the public interest. We further

find that the proposal of Graphnet to interconnect its network and those of other domestic telex-compatible networks with the IRCs' telex networks for the purposes of providing overseas service will serve the public interest. We shall at this time order reformation of the unified telex rate structure and shall require the IRCs to adopt new telex tariffs separating the provision of terminal equipment, network access (telines) and transmission and imposing separate, cost-based charges for each element. We also set forth for notice and comment the issue of whether we should deregulate IRC provision of terminal equipment.

Background

4. As set forth more fully in our December 1976 Notice, 62 F.C.C. 2d at 414-17, this proceeding arises from two complaints filed with the Commission isolating aspects of the structure of the United States communications industry, particularly the telex service, which the complainants believe unduly restrict customer use. Because the history of this proceeding is set out in detail in that Notice, there is no need to treat it here. The paragraph below, however, summarizes the issues set forth in our earlier Notice.

5. After reviewing the comments of the various parties concerning the complaints, we concluded in our Notice of Proposed Rulemaking that the complaints had raised substantial question that United States telex users are unduly restricted in the availability and flexibility of telex service. See 62 F.C.C. 2d at 420. We tentatively found that the industry arrangements of direct, non-interconnected networks deny or impede user access to all overseas points and are thus undesirable. Second, we expressed our belief that the IRC unified telex rate structure encourages inefficient and potentially wasteful duplication of facilities. We then proposed what we believed would be a balanced solution to the deficiencies we had found. First, we proposed to require the IRCs to interconnect with each other so that a customer of one carrier could reach any of the overseas points with which telex service is available. Second, we proposed to require full interconnection with the domestic telex network so that IRC subscribers would be able to reach all other domestic telex users within the United States. Finally, we proposed to require the IRCs to separate the provision of terminal equipment and network access from transmission and to require them to impose separate, cost-based charges for each.

Overview

6. In addition to our Order herein, the Commission has today adopted seven other separate decisions which affect in differing degrees the provision of international services by communications common carriers. The eight items and their respective issues are closely interrelated. While each decision stands on its own merits, when taken in concert they represent a coordinated examination of various regulatory issues pending before the Commission and an integrated approach to their resolution. We believe that the combined effect of these decisions will be an improved international communications system with more choices for consumers, more diverse service offerings, and lower rates.

7. In the provision of international communications services there is a domestic component and an international component. The domestic portion of the service encompasses the terminal equipment segment, local access loop, and landline transmission haul. The international segment consists of the transmission between the domestic segment and various foreign points.

8. We have concluded that, at this time, the most beneficial and comprehensive method of addressing the international regulatory issues raised in these areas is to focus on the problematic market structure of the industry, as opposed to availing ourselves of other regulatory tools, such as formal ratemaking proceedings. As stated in the Audit order at paragraph 4:

* * * Nonetheless, it seems clear to us that if there be excessive earnings, they result in large part from the problematic market structure of the industry. Further, some regulatory mechanisms and policies in the past have served only to reinforce that structure by creating barriers to entry or by inhibiting efficient use of international telecommunications facilities. Our decisions on other matters we voted on today will eliminate many of these barriers and help create a competitive market structure. We


*The local access loop connects the subscriber's terminal equipment to a local central office or network entry point of the carrier. The landline transmission haul is the transmission path from the subscriber's network entry point and a carrier's international switch.
believe that these decisions will result in improved conduct and performance by the industry and participants, with benefits to the consumer of lower costs, improved service and innovation.

9. To start with we note that the provision of international telecommunications service is subject to a number of structures not present in the domestic sphere. The international component of the service is characterized by very few carriers and highly restricted entry that, unlike domestic markets, is not entirely within our control. The bottleneck or market concentration created by restricted entry on the overseas segment of international services has directly and, in some instances indirectly, given impetus to the problems before us for resolution. Added to this is the dichotomy which exists in international communications between voice and record (hard copy messages, data, facsimile, etc.) services as a result of the Commission's TAT-4 Decision. See 37 FCC 1151 (1984). In essence, AT&T is the single international voice carrier for the U.S., while the overseas segment of international record services is divided between a number of firms designated as international record carriers (IRCs). By contrast, in the domestic sphere, AT&T provides Dataphone service and a panoply of specialized services, and other carriers provide a wide range of voice, record and data service.

10. The Gateways Order, like the Order adopted herein, primarily addresses issues relating to the domestic segment of international record services. In Gateways we consider, among other things whether to permit the IRCs to expand their operations into the domestic segment of the international service market. Granting the IRCs request to expand their domestic points of operation would increase competition in the domestic segment of international service by allowing the IRCs the opportunity to pick up and deliver traffic to additional points by means of their own choosing.

11. However, in light of IRC market power in the international arena, permitting the domestic expansion of IRC operation provides IRCs the opportunity to subsidize the domestic portion of the service and thereby extend their market power.

12. Moreover, the IRCs have in the past competed among themselves through a marketing strategy of providing terminal equipment, local access loop, and the domestic and overseas transmission together under a single, bundled rate structure. This has enabled the IRCs to provide terminals to Gateway subscribers for free or at a nominal charge when minimum usage is achieved. Western Union, on the other hand, has been required to charge separately for its terminal equipment and local access loop. If the IRCs were permitted to expand their domestic points of operation and at the same time extend their all-inclusive bundled rate structure, the market for terminal machines would be further skewed by extension of the effects of IRC market power in the international segment to the terminal market. Moreover, this effect could occur in the local access portion which is also a separable component. Thus, the Commission has ordered the IRCs to unbundl both these components.

13. We expect that competition for the domestic haul of international traffic will involve both ultimate consumer and IRC selection between services presently provided pursuant to different pricing, and on a more or less distance sensitive basis, as employed, for example, by Western Union and on a postalized basis as employed by the IRCs currently. It may develop that some of the competitive forces exerted, the carriers will be required to modify their rate structures even further. While we will monitor this situation closely to assure that consumers participate in any cost savings that more efficient means of carrying domestic traffic generate, we believe we should leave the formulation of appropriate pricing approaches to the carriers in the first instance.

14. Therefore, in Gateways, the Commission is permitting domestic expansion of IRC operations. However, as a condition of expansion we are requiring the IRCs to unbundle (charge separately for) terminal equipment and the local access loop in order to insure fair competition among IRCs operating in the domestic segment.

15. Our Order in the present case under consideration addresses in a more generic context the unbundling of the telex machine and the local access line, the interconnection of the IRCs with each other, and the interconnection of the IRCs with domestic carriers for the provision of international record services. Presently, the subscriber of a given IRC cannot communicate with an overseas party located in a country not served by the given IRC. Therefore, we believe that in providing for interconnection upon demand greater flexibility will be afforded to consumers of international telex service.

16. The competitive impact of Gateways and our Order here is interrelated with our PMS order which eliminates unnecessary regulatory requirements related to the provision of public message services (PMS). Prior to the Commission's open entry policy in the domestic telegram market, Western Union was a monopoly supplier of PMS. International PMS originating or terminating outside the Gateway cites normally involved carriage on the domestic segment by Western Union, and carriage on the overseas segment by an IRC. As a result, the international formula was designed to distribute international outbound PMS traffic among the IRCs when a customer dealing through Western Union did not specify a particular IRC for the international segment. Based on our policy of open entry in the domestic record service market and our findings in PMS we conclude that the present international formula for the distribution of unrouted international PMS among the IRCs requires reassessment. In addition, our PMS order also eliminates the need for specific office closure requirements which were imposed upon Western Union when it was a monopoly supplier of PMS. These decisions are directed at fostering a competitive environment in the domestic segment of international telecommunications services and minimizing the potential that the prevailing market power in the international segment will distort the
competitive evolution of the domestic portion. In addition, these decisions, particularly PMS, yield positive public interest benefits for domestic record services, independent of the international ramifications.

17. The remaining orders do not focus on the domestic product. Rather, the Dataphone, Datel, Western Union, and CCI orders address restrictions imposed on consumer use of international facilities and the ability of entities other than established IRCs to provide international record services.

18. The Dataphone Order removes a current restriction on the use of the international MTS network for international record traffic. It allows consumers to use these facilities for the transmission of data as a permissive or secondary use and thus provides for a more flexible and efficient utilization of the MTS network. Furthermore, to the extent the use of AT&T's international MTS facilities may, in varying degrees, be substituted for record services offered by the IRCs, the potential for a greater degree of competition on the international segment is enhanced. This should work to stimulate innovation in services and, lower rates for consumers.

19. Datel provides symmetry to the Dataphone decision by lifting the restrictions on voice traffic over IRC facilities to the extent that voice traffic would be allowed as a permissive or secondary use. Again, the policy thrust is to enhance consumer choice and to allow for a more efficient utilization of existing common carrier facilities. In both cases, however, the newly authorized service is permitted on a "secondary" basis. That is, customers are entitled to use the facilities in whatever way they find operationally acceptable, but the carriers may not build facilities which are designed to be most efficiently used to carry the "secondary" service. This characteristic arises from the fact that we did not, in this proceeding, begin to reassess the market segmentation, based on a voice/record distinction, announced in TAT-4.

20. The CCI and Western Union orders result from complaints filed with the Commission. In CCI it is argued that Consortium telecommunications service by using existing overseas MTS service to transmit third party record traffic for hire. Under established precedent, we are compelled to conclude that CCI is a communications common carrier and is required to comply with appropriate Commission rules in order to continue to operate. We recognize, however, that our findings in this regard may have broad implications, imposing on CCI unnecessarily burdensome requirements such as publicizing its prices ninety days in advance of their effectiveness, successful completion of prior authorization processes before its service can be offered and possible new requirements imposed by other entities. These and other similar possible effects of our findings, of course, includes CCI's service within "common carriage" not only have the disturbing aspects alluded to above, but also appear incongruent with our general policy inclination to maximize consumer choice. Thus, we believe it desirable to institute a proceeding looking into the regulatory implications and statutory requirements relative to resale of international services and facilities in the near future.

21. In the other complaint, Western Union is alleged to be illegally offering international record service directly through Canada and Mexico, rather than handing off traffic to the IRCs for international transmission. We found Western's representation in this service offering to be both legal and consistent with its existing authorizations. However, Western Union's tariff does not accurately reflect this offering, so we required Western Union to file an appropriate tariff in accordance with Section 203 of the Communications Act. The net result is that consumers are offered another alternative for the routing of international messages (via the Mexican and Canadian telecommunication authorities), and access to international services at rates potentially lower than currently available.

22. With the foregoing as an overview, we proceed to discuss the merits of the issues presently before us.

Requirement for oral hearing

23. As a preliminary matter, we shall address the argument of several of the parties that the "notice and comment" procedures we adopted in this proceeding do not grant them the "opportunity for hearing" guaranteed by Section 201(a) of the Act. The respondents apparently believe that the language "opportunity for hearing" used in Section 201(a) gives them a right to oral or trial-type hearings in every case arising under that statute. It is now clear, however, that the statutory phrase "opportunity for hearing" in Section 201(a) is not the equivalent of "on the record" as used in the formal-procedure provisions of Sections 7 and 8 of the Administrative Procedure Act, 5 U.S.C. 556, 557 (1976), and that the statute, therefore, does not mandate an oral proceeding as a matter of right. Bell Telephone Company of Pennsylvania v. F.C.C., 503 F.2d 1253, 1264-6 (3d Cir. 1974), cert. denied 422 U.S. 1026 (1976). See also United States v. Alleghany-Ludlum Steel Corporation, 406 U.S. 224 (1973). Resale and Shared Use of Common Carrier Services, 60 F.C.C. 2d 281, 325-30 (Docket No. 20097) (1976).

24. In the alternative, a number of the parties also asserted that an evidentiary proceeding is required in this proceeding as the only way to resolve reasonably the issues at hand. In support, the parties have alleged without specification that there are factual issues in this proceeding which have not yet been resolved and which must be resolved before we can lawfully implement our proposed policy. However, none of the parties has made any showing of what those factual issues are, or why they can only be resolved through oral proceedings. Such conclusory allegations are insufficient to demonstrate the need for oral proceedings. See RCA Global Communications, Inc. v. F.C.C., 559 F. 2d 891 (1977). There are no material or significant "adjudicatory" facts in dispute in this proceeding. Rather, we are concerned here with complex and interrelated questions of law and policy which are particularly susceptible to documentary proof and the written notice-and-comment procedures. We thus find that all participants have had the "opportunity to speak meaningfully to the issues before the Commission," Bell of Pennsylvania, supra, and that the procedures followed in this matter fully comply with the specific requirements of the Administrative Procedure Act and with due process generally.12

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12The present case is closely one of "general applicability" and "future effect" which is designed to "implement, interpret or prescribe law or policy" 5 U.S.C. 551(4), and is thus a rulemaking within the meaning of the APA. As we indicated in our Notice herein, 82 F.C.C. 2d at 420-6, this proceeding is addressed to the structure of the entire U.S. telex industry and the ways in which that structure and carrier practices may unduly restrict the customers' use of telex service. The proposed rule is similarly addressed to all suppliers of telex service and how they shall provide service in the future. The possibility that this proceeding may at some time result in our direction to a specific carrier to change the terms or conditions of its service does not change the character of this proceeding to an adjudicatory one, nor does it impose any new procedural requirements on this proceeding than those provided for in the APA for rulemaking. See Bell of Pa., supra at 1288.

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Interconnection

25. In our Notice of Proposed Rulemaking, we had proposed two types of interconnection. First, we proposed a limited central-office interconnection of the IRC networks with each other to permit a user to reach all overseas points regardless of which IRC had provided the terminal and network access. Second, we also proposed to require full interconnection of the IRC and Western Union networks to permit all U.S. domestic telex and TWX subscribers (whether they subscribe to IRC or to Western Union service) to access all other domestic subscribers. Our policy proposal addressed in very general terms the public interest effect of the carriers' present failure to interconnect. The carrier comments in response to our proposal similarly addressed the issue of interconnection in general terms. On the basis of our analysis of those comments, we find that the public interest will be served by a general policy requiring interconnection upon demand. However, we have no proposal before us for any specific interconnection. We therefore adopt a policy by which carriers are required to accommodate requests for interconnection when such requests are made, and to submit the responsive interconnection tariffs for our review.13

26. IRC Interconnection. In our Notice, we had proposed a limited form of interconnection under which a customer who subscribes to IRC telex service would be limited to the facilities of the IRC from which it obtained service except for points the offering carrier does not serve. In such cases, the customer could, through some form of dialing code, select any other IRC able to carry his call. The parties, however, all address the broader question of universal interconnection—where the customer would have full choice of carrier for every overseas call. Since this is the form of interconnection which all respondents addressed, this is the form we shall consider herein.

27. The IRCs uniformly opposed interconnection of the IRC networks. Their chief argument against interconnection is their belief that the existence of a universal terminal would mean the end of competition among the IRCs. From their comments, however, it is unclear why increasing customer choice should lessen competition. The IRCs apparently equate "competition" with the preservation of separate and exclusive networks and tying the use of a terminal to one network. Under the existing arrangements, the IRCs compete for subscribers to their respective services. However, once the customer has been connected to a particular carrier, he may use another terminal only for service from that carrier. The IRCs argue that unless the customer is limited to the offering carrier's network, the carriers will have no incentive to maintain service quality or to make improvements—presumably because the networks are the lure by which a carrier draws customers to its service.

28. Essentially, the problem the IRCs appear to have with interconnection is that since they use identical cable and satellite circuits, and virtually identical central-office equipment, there is little difference among the basic parameters of telex services. How they differentiate their services, apparently, is by the "service enhancement" each one adds. WUI states that these service enhancements, which it notes are often costly and "proprietary," are made for the benefit of its customers. WUI argues that forcing it to make those enhancements available to another IRC's subscriber under interconnection may violate its "proprietary rights" and thus lessen its incentive to make service improvements. ITTWC and RCAGC also argue the benefit of exclusive networks. ITTWC states that tying terminals to one network creates a strong link in the customer's mind between the grade of service received and the carrier which provides it. Interconnection, ITTWC states, by requiring the customer to select the carrier for each call (by use of number code), will break down that association and give the IRC less incentive to maintain service quality. RCAGC apparently agrees with ITTWC, since it argues that the only way to maintain competition in a regulated service such as telex (where it believes price competition is not feasible) is to allow a carrier which improves its network to reap the commercial advantages of its improvements. RCAGC states that interconnection will destroy any such advantage. RCAGC also argues that interconnection will effect a de facto partial merger of the IRCs and bring the most efficient carrier down to the level of the least efficient (what RCAGC calls the "least common denominator"). This will deprive the carriers of any incentive to improve their networks, RCAGC argues, since other carriers would be able to rely, at least in part, on such improved facilities.

29. We do not find the carriers' arguments persuasive. We see no reason to believe interconnection will destroy, or even seriously impair, IRC competition. To the contrary, we believe that by increasing customer choice interconnection will likely increase competition among the carriers. In the first instance, from an operational point of view, interconnection should have little effect on the IRCs' basic mode of operation or relationship to their customers. At present, customers are connected by telex to the switch of a particular IRC. This will continue to be the case under interconnection. As a result, "proprietary" or other service enhancements which relate to the customer's terminal or the connection of these terminals to the IRC switch will be unaffected. The IRCs can continue to offer these inducements to their subscribers without making them universally available through the interconnection arrangements. Other service enhancements relating to the overseas networks can be made available to subscribers as well as interconnected customers on the same basis as they are now made available (or denied) to Western Union subscribers. In any event, since customers, under the new rate structure we mandate below, will pay the IRCs separately for their telex and terminal equipment, the use by a customer of that telex to gain access to another IRC will not place any economic drain on the offering carrier. Similarly, if the carrier believes an improvement, such as a specially-conditioned telexine, will enhance its value to the customer, the IRC can make it available to its customers and will be able to recover the full costs of that improvement even if it is used with an interconnected IRC.

30. Similarly, we see no reason why the existence of choice will alter in any significant way the customers' perceptions of telex service or how they use it—there is certainly no reason to believe, as ITTWC asserts, that customers will exercise their choice in an irrational or random manner. On this subject, we note that Western Union customers, who account for the bulk of overseas telex traffic, have complete choice of IRC for each call. No one has suggested that Western Union customers behave irrationally. Indeed, no one even argued that the IRCs' market shares of Western Union-originated traffic differ markedly from their gateway traffic shares. The existence of easily exercised choice will enhance rather than destroy the IRCs'
incentive to maintain service quality and to make improvements. While RCAGC and ITTWC are correct that customers are not now "captive"—that they can choose a different IRC if they feel their service is inadequate,—this can be done only by discontinuing the service of one IRC and subscribing to that of another one. Thus, the simple inconvenience of such a course could impair exercise of that choice—assuming, of course, that under the present tying arrangements a customer has a basis for comparing the services of the various carriers. Under interconnection, however, the customer will be able freely to select any IRC and will be able to compare their services. Thus, the carriers will have a strong incentive to assure that service quality remains high.

31. The IRCs' argument is analogous to an argument that requiring customers who subscribe to MCI's Execunet, Southern Pacific's Sprint, as well as AT&T's regular MTS, to have separate teline and terminals for each service will enhance competition and benefit consumers. At present, the same local loop and telephone can be used for all three services. Manifestly, however, competition exists among the services. The existence of separate access lines is essentially irrelevant to customer choice. The lack of separate terminals has not hurt the customer's identification of the various suppliers—if anything, the requirement to make an economic judgement as to which service to use in a particular case tends to intensify that identification. That process is likely to exist with respect to international telex service as well.

32. In our judgment, IRC interconnection will benefit consumers by giving them an alternative method of achieving universal access to all overseas points and by promoting full and fair competition among the IRCs. At present, telex customers can reach points in the world only through subscriptions to multiple IRC services or through the Western Union domestic telex and TWX services. While no one suggests that the present alternatives do not give most customers adequate service, the existence of exclusive IRC networks limits the customer's choice or increases the cost for telex service (since he must either subscribe to Western Union or meet the revenue requirements of more than one IRC service). On the other hand, none of the parties presented any cogent evidence that interconnection will be particularly costly. Accordingly, it appears that this additional consumer choice and full service coverage can be achieved with little additional cost—and in any case, without the encouragement of inefficient uses of terminal equipment or network access lines that the current structure provides.

33. IRC interconnection should also benefit consumers by promoting full and open competition. One of the reasons this proceeding was instituted is that some carriers have been unwilling or unable to expand their service coverage to all overseas points. This problem becomes more acute under the proposal to expand the number of domestic points at which the IRCs will offer direct international service and the reformation of the unified rate structure we order herein. To the extent that a carrier is unable to convince an overseas entity to operate with it, the requirement for unbundled terminal and teline charges could place that carrier at an economic disadvantage with respect to the other carriers. Examples of this are TRT and FTCC, which serve most of the overseas points served by the other IRCs but are apparently unable to serve a few high-volume points—the most important of which is Japan (the second largest international telex service point). TRT, for example, has indicated, a fear that its inability to serve such points will make its service less attractive to others and make it unlikely that a customer required to pay monthly charges for his terminal would choose TRT. Interconnection will give these carriers the ability to make full service available to their customers and remain viable forces for better service and lower costs. Interconnection will not reduce their incentive to reach agreement with overseas correspondents since they would obviously receive a greater share of revenues from direct service and provide faster, better quality service. Interconnection will thus assure that these carriers have the opportunity to remain competitive.

34. In sum, we find that none of the parties has shown that IRC interconnection would not enhance competition among the IRCs or that such interconnection would be unduly difficult or expensive to accomplish. Interconnection will give customers additional choice for reasonable universal access to overseas points without the need for multiple IRC service. The additional inducements to the IRCs to maintain and improve service quality occasioned by interconnection should also benefit customers. Accordingly, we find that a requirement for interconnection of the IRC networks for overseas service will serve the public interest. However, we do not at this time order any specific interconnection. Since none of the parties to this proceeding offered a proposal for a specific interconnection, we have had no opportunity to review the terms under which interconnection would be effected to assure that they are consistent with our public interest finding. Rather, we shall here adopt a policy of requiring interconnection upon demand. Upon such a demand, the interested carriers shall work out suitable arrangements which they shall submit for our review in the form of proposed interconnection tariffs. We shall then examine the tariffs for consistency with our interconnection policy and overall compliance with the provisions of the Communications Act. 35. Interconnection with Western Union. Although Western Union indicated in its comments that it is not in principle opposed to interconnection, it does oppose the proposed central-office interconnection of the IRC and Western Union networks which would permit communication among the IRC subscribers and between IRC and Western Union subscribers. With the possible exception of ITTWC, the IRCs opposed any form of further interconnection with Western Union. They do not, however, devote much attention to this point—basically asserting only that interconnection would introduce a large universe of Western Union subscribers (approximately 100,000) as potential communicators with the much smaller IRC systems (the total of all IRC systems is no more than 10,000 subscribers) and could thus place a significant strain on the IRC networks. Western Union took a somewhat similar view, equally without elaboration, that interconnection with the IRC networks would place a strain on its facilities. Western Union also objects to central-office interconnection because, in its view, such interconnection would involve the IRCs in domestic telex operations allegedly barred by Section 222 of the Act. 36. Western Union proposed an alternative form of interconnection on the customer premises—in which a customer's terminal could be hooked up to the IRC's central office and to the customer's terminal could be hooked up to the IRC's central office and to the customer's terminal could be hooked up.
both to an IRC tieline and to a Western Union tieline, with some sort of switch so that the customer can select between the two modes. The IRCs challenged Western Union's assertion that customer-premise interconnection would be easier or cheaper than central-office interconnection. They further asserted that a switch of the type Western Union proposed would be costly to develop and would cause a customer's terminal to be unassembled from one carrier's network when it was switched to the other network. This is undesirable, they argue, because callers trying to reach the unavailable teleprinter would tie up international facilities causing congestion without producing revenues. Finally, the IRCs challenge Western Union's argument that they are barred by Section 222 from engaging in domestic transmission.

37. Additionally, as we noted above, Graphnet argued for full interconnection of Western Union, Graphnet, and all other domestic telex-compatible networks with the IRCs. This proposal would result in full interconnection of all domestic telex-type networks permitting all domestic and international subscribers within the United States to communicate with one another. In view of the complexity of the domestic network and the dramatic structural change such interconnection would bring about, we believe we need more information before we can form an appropriate policy thereon. Accordingly, we have concluded at this time to reserve judgment on this aspect of our policy proposal. We wish, however, to make clear that our decision to defer action should not be construed as a rejection of full domestic interconnection. Rather, we believe the issues of such interconnection must be considered fully in a proceeding addressed to that specific question, and we invite interested parties to petition us for such a rulemaking.

38. With respect to Graphnet's argument for the more limited form of interconnection with the IRCs for through international service, however, there is a basis in the present record for more affirmative action. Western Union and the IRCs have successfully interconnected for through international service for many years. This form of interconnection does not raise the complex issues that full domestic interconnection does. In view of the more highly-centralized networks of the IRCs, interconnection with Graphnet for international service should be relatively easy to effect. Indeed, the existing interconnection of Western Union and the IRCs serves as a model for such interconnection and indicates that it should be both successful and relatively inexpensive. In this connection, we note that none of the IRCs opposed interconnection with Graphnet and that two, ITTWC and TRT, strongly advocated it.15

39. Further, we agree with Graphnet that the fact that it and other similarly situated carriers are not interconnected with the IRCs severely limits the scope of service they can offer their customers and places them at a decided disadvantage in competing with the interconnected carrier—Western Union. Since we have already found that the public interest will be served by authorizing Graphnet to provide its telex-compatible services domestically,16 we see no public benefit to be gained by continuing to place Graphnet on a potential carriers in a competitive disadvantage with respect to the domestic haul of international telex. In fact, we see distinct potential rate and service benefits from making these carriers' innovative technology available as an additional consumer choice for such domestic haul.17 Accordingly, to relieve the competitive restraint on Graphnet and other carriers offering telex-compatible service, we shall provide that such carriers may obtain interconnection with the IRCs for through international telex service upon demand and may file for our review a proposed interconnection tariff.

Rate Structure

40. Although we are concerned about the interconnection question, the more important problem, in our view, is the matter of the unified rate structure. As the IRCs have noted, many IRC customers do not find the lack of full overseas coverage a great problem. All, however, are subject to the unified rate structure and the inefficiencies that structure has fostered. Furthermore, as ITTWC noted, we could answer much of our concern over the lack of universal overseas service simply through recasting of the rate structure—since service from all carriers, IRC as well as Western Union, would then be offered on virtually the same basis. As a result, customers who desire universal service will be able to select Western Union without the significant out-of-pocket price penalty which they now appear to suffer by selecting that carrier. Conversely those to whom the more limited, but arguably more rapid, direct international service is suitable, or those generating sufficient volumes to justify more than one service, would be able to subscribe on the basis of an appropriate economic decision without hidden subsidies or discriminations.

41. At the outset, we shall consider the IRCs' argument that we have previously found the unified telex rate structure lawful and required by the public interest. The parties argue that "Mackay Radio and Telegraph Co., Inc., 26 F.C.C. 557 (Bd. of Commissioners 1956), aff'd sub nom. World Communications v. FCC, 62 F.C.C. 2d 642 (D.C. Cir. 1979), constitute such a finding. We cannot agree, however, that Mackay constitutes an affirmative approval of the unified rate structure or, even if our prior action were construed as "approval", that the decision would be controlling in the present matter.

42. Rather than an affirmative finding of lawfulness, the Mackay holding involved only a dismissal of certain objections to Mackay's tariff. Also, as indicated in our December 1976 Notice, the Mackay opinion specifically indicated that we would monitor the development of the international telex industry and require rate-structure changes where warranted. 62 F.C.C. 2d at 422, fn. 18. It is precisely this function in which we are engaged in this proceeding. Finally, assuming "argendo" that Mackay was not limited to its particular facts, it is clear that we have the authority to review earlier rulings for continuing validity in serving the public interest. Indeed, that flexibility was expressly recognized in Greater Boston Television Corp. v. F.C.C., 444 F.2d 841, (D.C. Cir. 1970), requiring only that in such a case we "supply a reasoned analysis indicating that prior policies and standards are being deliberately changed and not casually ignored." Our discussion in the Notice instituting this proceeding of the changes which have occurred in the industry since 1958 and the changes which we believe will ensue from our interconnection requirements.
and other actions taken this day certainly indicate the rationale for our change of policy.

43. After reviewing the comments of the parties, we conclude that we should require the complete unbundling of terminal equipment, network access (the local access loop, or tieline) and transmission for international telex service. In the first instance, the provision of terminal equipment and tielines are not, conceptually, inextricable from overall telex service. None of the IRCs manufactures the terminal equipment used in connection with its telex service and none itself provides the access lines. Terminal equipment, rather, is supplied to the IRCs by a number of non-carrier suppliers who could—and in some cases do—provide it directly to the customer on either a sale or lease basis. Similarly, the access lines used in telex service are leased by the IRCs from the local telephone companies under such companies’ regular exchange-facilities tariffs. Again, there is no reason why such facilities could not be made available directly to the customer.

Therefore, there appears no logical necessity that the cost of these items be recovered solely, or at all, from transmission charges. Further, the bundling of these fixed recurring costs into a usage sensitive charge serves only to confuse and mask what the true costs are.

44. This is, indeed, the crux of the problem represented by the unified rate structure—it does not naturally assure that the costs of providing terminals and tielines are recovered from those who receive the benefit of those costs. From the IRC comments, it appears that this problem has manifested itself in at least two ways. First, the IRCs note that many of their customers routinely take teleprinters and tielines from two, three or more of the IRCs. Second, it appears that there are a fair number of customers who generate very low annual traffic volumes—sufficiently low, in fact, that larger-volume IRC subscribers are required to make up the deficit.

45. There is evidence that IRC-provided terminals and tielines are currently underused as a result of both of these phenomena. This is a matter of concern since telex terminal costs are not trivial. However, the precise level of current waste is not the most significant problem with the unified rate structure. Rather, the problem is that, by making those costs appear to be of no consequence, the rate structure does not force potential users to make an economic judgment as to what type of service meets their needs.

46. This concern becomes more acute in light of the proposal significantly to expand the number of domestic points at which the IRCs offer direct international service and thus where they will come into closer competition with Western Union. Indeed, with the addition of the 21 service points, the IRCs will be able to reach directly more than 75 per cent of Western Union’s overseas telex customers. They will thus be able to expand the existing system of tielines passively attached to the IRC switch which the unified rate structure, has allowed them to develop. Were we to allow them to virtually domestic operations under the unified rate structure they would be able to offer large numbers of current Western Union customers the lure of what would appear to be free, or minimal-cost, terminals and undercut Western Union service.

47. There is nothing objectionable per se in a competitive market about the IRCs’ desire to attract Western Union customers. However, the basis for their appeal to these customers should be that they can offer them better service—not just that their terminals are bundled while Western Union’s are not. The IRCs’ costs for providing terminals do not differ significantly from those of Western Union—indeed, the IRCs all assumed in their comments that if they were forced to charge monthly rentals for their terminals and tielines that the charges would be virtually identical to those of Western Union. If the IRCs are recovering their terminal costs overall, and some of those terminals are inefficiently used, it follows that at least for some customers the usage charges are too high. The only way for consumers to make rational choices, and for society to allocate its resources efficiently, is for the customers to know what each of their options costs. The unified rate structure, by masking these costs, prevents such a reasoned judgment. We believe that unbundling the terminal and access line from the transmission charges will be in the public interest because it will help to ensure that those who impose costs on society bear the burden of those costs. In turn, this will lead to a more efficient utilization of resources by forcing customer choice in the marketplace to reflect what it costs society to satisfy those choices. Ultimately, this will also result in more cost-effective plant investment and utilization by the carriers.

48. With the exception of ITTWC, all of the IRCs opposed reformation of the unified rate structure. The chief argument they raised against our proposed unbundled rate structure is the familiar assertion that it would destroy competition among the IRCs. That is, the carriers apparently believe that customers will be unwilling to pay monthly charges for their more limited international telex service—or that they would take service from one carrier rather than the multiple carriers they now use. However, since the IRCs filed their opposition to our proposed new rate structure, they have also filed their optional unbundling tariffs. In the pleadings associated with those tariffs, the IRCs make it clear that they incur a substantial cost in providing terminals and tielines and that they should extend to the customers their savings when the customer provides his own access. Thus, whatever their prior positions, the IRCs now agree that the rate structure issue is who should bear the costs of providing terminals, not competitive necessity.

49. In fact the IRCs now agree that users who pay their own costs are disadvantaged by paying the bundled usage charges. For example, ITTWC (which filed the first unbundling proposal) stated that it already had a fair number of customers who provide their own terminals and tielines or otherwise obtain access to the ITTWC switch and have objected to paying the same usage charges as other customers. The other IRCs indicated that their tariffs were intended to keep them competitive with ITTWC, but also indicated that they enjoyed a substantial savings when the customer provides his own access—indeed, RCACG increased the size of the reduction from $4.21 to $5.55 per minute—and that such saving should be extended to the customer. That the IRCs have recognized the problem of terminal costs and have granted their customers greater flexibility through the unbundled option is a step in the right direction. However, it does not go far enough. The bundled rate structure has led to a

\[ \text{References:} \]

\[ \text{See supra.} \]

\[ \text{See infra.} \]
transmission. The term "terminal equipment" or "customer terminal equipment" is fairly well understood. The IRCs' present tariffs have little difficulty with this concept. By "network access" or "telematics" or the like, we refer generally to the physical connections necessary to link the terminal equipment on a customer's premises to a central office of a carrier—most generally, the "local loop" and such auxiliary items as the termination on the customer's premises into which the terminal is plugged and whatever connecting arrangements are necessary at the central office (for Western Union, this includes the signaling leads and network control interfaces). Finally, by transmission charges, we mean the charges to recover the costs for common portions of the network, switching, intergateway connections, payments to foreign and domestic connecting carriers, and other items not directly attributable to a logical rate category.

The carriers are ordered to file new tariffs consistent with this order within 60 days of its release. We emphasize that we are not here seeking to make an exhaustive or rigid analysis of what items are included in each category. Rather, we are merely trying to effect a logical distinction between that which pertains to terminal connections, and what is, more traditionally, common carrier transmission.

Although we are here continuing the past practice of requiring the IRCs to tariff the provision of terminal equipment, we now question whether there is any need—particularly in light of our unbundling order—on us to regulate the equipment. It appears to us that the provision of terminal equipment is not inextricably related to transmission, can be (and in fact is) offered by entities other than a common carrier providing transmission and is not what would traditionally be classified as a communications service. We therefore set out for further comment our tentative belief that we should deregulate the provision of terminal equipment in the international telex market.

There are several reasons for our tentative conclusion here. First, we believe that our order today will enhance competition in the provision of international telex printer equipment, and thus the protection which regulation might otherwise afford the ratepayer would be not only unnecessary but unduly burdensome. Second, in the unlikely event that the IRCs attempt to offer equipment below cost, antitrust liability would attach. Finally, the detariffing of terminal equipment in this area would be consistent with other policies we have reached.

It is ordered pursuant to Section 4(i), 201-205, and 403 of the Communications Act of 1934, 47 U.S.C. 154(i) 201-205, 403 (1976), that a policy is hereby adopted by which all common carriers engaged in the provision of international telex service are required to interconnect with each other upon demand for such interconnection.

It is further ordered that upon demand any common carrier engaged in the provision of international telex service is required to interconnect with any domestic carrier providing a telex-compatible service for the purpose of providing joint through international telex service.

It is further ordered pursuant to Section 4(i) and 201-205, of the Communications Act, that C&W/JWU, Inc., FTC Communications Inc., ITT World Communications Inc., RCA Global Communications Inc., TRT Telecommunications Corporation and Western Union International, Inc., shall, within 60 days of the release of this order, file revisions to the tariffs under which they offer international telex service to institute separate cost-based rate categories consistent with paras. 49-49 of this Order.23

23 Both Western Union and Trans-Lux argue that the unified rate structure should be rejected because it frustrates our policies concerning interconnection of customer-supplied equipment. The IRCs argue that the rate structure does not harm those policies, and that their tariffs specifically provide for customer-supplied terminal equipment. We need not reach this question because we find that unbundling should be required on independent grounds.

24 Our original Notice set forth for comment the issue of whether we should separate terminals and transmission and require separate, cost-based charges for each. 42 F.C.C. 2d 421. Thus, our Notice did not make clear whether we contemplated a variety of rate categories or whether the rates were limited to the separation of only two categories—terminals (terminal equipment and the like) and all other charges. Despite any arguable lack of clarity in our 1976 Notice, the comments have addressed unbundling of a variety of categories. The parties engaged in telex services believe that the IRCs' present tariffs are not competitive with Western Union's "unbundled rate structure" as a model for the IRC tariffs. We are thus now asked to address this issue.

25 See Second Computer Inquiry, FCC 79-307, --- F.C.C. 2d --- (Tentative Decision released July 2, 1979). Parties are invited to address these and any other factors relevant to resolution of this question.
It is further ordered that following Applications for Commission Review of the actions of the Common Carrier Bureau allowing revisions to Tariff No. 868; and

Separate Statement of Charles D. Ferris, Chairman

The Commission has today adopted more pro-consumer policies in the field of international communications than we have since the FCC came into existence more than 45 years ago.

One consequence of the world's slow but steady development toward a "global village" is the ever increasing use of communications facilities linking the people of one country with the peoples of other countries. Today we have committed ourselves to a more competitive international record communications market because we believe that the growing number of users of international communications services should be able to choose among the greatest number of services at the lowest possible cost.

I believe that our international communications sector should be the most efficient and innovative anywhere. If today's actions help to achieve this we would have contributed to the Nation's efforts to improve productivity, fight inflation, and balance our international account. Competition, I am convinced, will be more likely to bring this about than the kind of government regulation used in the past. Today marks the start—but not the end—of our efforts to assure that American communications consumers receive all the benefits that advances in this field make possible.

There are other, more fundamental issues which are yet to be addressed. For example, I believe we should begin re-thinking past FCC decisions which seem to have the effect of separating potential competitors from one another. Current facilities ownership...
Revised July 22, 1954). That portion more than three geographical miles seaward from the line described in the supplemental decree of the United States Supreme Court, June 16, 1975 (U.S. versus Louisiana, 422 US 13).

7. OCS Leasing Map, Main Pass Area. South and East Addition, Louisiana Map No. 10A (Approved September 8, 1959).

8. OCS Leasing Map, Chandeleur Area. Louisiana Map No. 11 (Approved June 8, 1954; Revised July 22, 1954). That portion more than three geographical miles seaward from the line described in the supplemental decree of the United States Supreme Court, June 16, 1975 (U.S. versus Louisiana, 422 US 13).


10. OCS Official Protraction Diagram, NG 16-1 (Approved June 5, 1974; Revised December 2, 1976)."
Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Food Safety and Quality Service

9 CFR Part 320

Change in Reporting Frequency From Weekly to Annually of Processing Operations at Official Establishments

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Food Safety and Quality Service (FSQS) proposes to amend the Federal meat inspection regulations to require the operator of each official establishment to report annually the number of pounds of meat and meat food products produced. Currently, such information is submitted to FSQS each week. The Agency believes, however, that it can carry out its regulatory functions without imposing the current burden on the industry of reporting the data with the present frequency.

DATE: Comments must be received on or before May 26, 1980.


FOR FURTHER INFORMATION CONTACT: Mr. John W. McCutcheon, Director, Policy Studies and Program Planning, Food Safety and Quality Service, U.S. Department of Agriculture, Room 327-E, Agriculture Administration Building, Washington, DC 20250, (202) 447-6525.

SUPPLEMENTARY INFORMATION:

Comments

Interested persons are invited to submit comments concerning this proposal. Written comments must be sent in duplicate to the Executive Secretariat. Comments should bear reference to the date and page number of this issue of the Federal Register. All comments submitted pursuant to this notice will be made available for public inspection in the office of the Executive Secretariat during regular hours of business.

Background

The requirement that statistics on the production volume of processed meat and meat food products be compiled and regularly submitted to the U.S. Department of Agriculture dates back to the inception of the Federal Meat Inspection Act of 1906. Since then, FSQS and its predecessor agencies have received weekly reports from each official establishment indicating the amount, by category, of meat and meat food products produced.

The number of categories of products required to be reported on has increased over the years as the variety of products produced has increased. The number of products reported varied between 24 and 28 during 1917–1922 and 1935–1936. Sliced bacon production was incorporated into the processing report in 1937 and canning operations were specifically segregated and categorized in 1948.

Since that time the report has been continually expanded. It currently includes 110 product categories organized into nine major groups: Cured products, Smoked or Dried or Cooked Products, Sausage, Sliced/Package Products, Fresh or Frozen Products, Convenience Foods, Fats and Oils, Miscellaneous Meat Products, and Canned Products.

MP Form 404 serves some purposes in assisting the Food Safety and Quality Service (FSQS) to perform its regulatory function. The Meat and Poultry Inspection Program (MPI) management and field services occasionally use MP Form 404 data to supplement other information for inspection tasks and manpower planning. The Processed Products Inspection Division (PPID) of MPI uses information from MP Form 404 as a tool to monitor processed products production. Processing production data are also used by the Food Ingredient Assessment Division in FSQS' Science Program and the Meat and Poultry Standards and Labeling Division in the Compliance Program. The data collected are used by FSQS for the President's Budget and Explanatory Notes and the Secretary's Report to Congress on the Meat and Poultry Inspection Program.

The data are also used by a number of other Federal agencies, the industry, and educational or research organizations. For a fuller explanation of the uses of MP Form 404 data, see the Draft Impact Analysis following this proposal and marked Appendix A.

Paperwork and Cost Reduction. The administration of the Meat and Poultry Inspection Program, including the maintenance of the MP Form 404 required, was transferred to the Food Safety and Quality Service (FSQS) in March 1977. In an effort to carry out previous commitments made by its predecessor agencies, FSQS scheduled a reduction in the reporting frequency of MP Form 404 on January 1, 1978, from weekly to monthly. Uncertainty over the fate of the weekly sliced bacon report and associated impacts on pork belly futures, however, led to a postponement of the action and further review. For the reasons herein stated, the Agency is again proposing a change in the reporting frequency of MP Form 404.

This time, however, FSQS is proposing to change the frequency of the report from weekly to annually.

The interest of the Federal Government in reducing the paperwork burden on industry has been most apparent in the last 4–5 years. In March 1976, the Office of Management and Budget (OMB) directed all executive departments and agencies to institute a two-phase plan to reduce the Federal paperwork burden on the public. The first phase called for a 10 percent reduction in the number of Federal forms and reports by June 30, 1978. The second phase called for a 5 and a 15–20 percent reduction in the number of hours spent by the public in official recordkeeping by September 1977 and 1978, respectively. Discussions of the MP Form 404 surfaced in the latter phase.

At the time the Federal paperwork reduction campaign came into being, the Meat and Poultry Inspection Program (MPI) was organizationally a part of the Animal and Plant Health Inspection Service (APHIS). MP Form 404 was one of the few recurring reports maintained by that Agency. At the time, the annual number of respondents for MP Form 404 was estimated at 5,900. Using 30 minutes as a preliminary estimate of the average time required to complete the form, the Department estimated its associated

Federal Register

Vol. 45, No. 59

Tuesday, March 25, 1980
paperwork burden on the public to be 150,800 hours per year.\footnote{Additional investigation found that it took approximately 15 minutes for plant personnel to complete MP Form 404 rather than the 30 minutes as preliminarily estimated.}

The Administrator has determined that significant cost savings to industry and to the Agency could be realized if the reporting period for MP Form 404 were to be changed from a weekly basis to an annual basis. As the figures reflected that a change to an annual reporting requirement could lead to annual cost savings to the Agency of over $170,000, and more importantly, a reduction in costs to industry and at least indirectly to consumers as well, of over $400,000 per year. The Administrator also has concluded that the Agency can satisfy most of its regulatory program needs by an annual reporting of these data.

**Industry Viewpoints.** Following the expansion of MP Form 404 in 1977 to encompass 110 product categories, the Department received strong criticism from the Pacific Coast Meat Association, Incorporated, which represents small meatpackers. This trade group maintained that it had been excluded from discussions concerning revisions of the form, and it questioned the continued use of the form by the Department as previously conceived. The group also stated that the adding of new product categories appeared to assist major meatpacking companies developing data for production and marketing needs. More generally, the requirement was characterized as an unnecessary intrusion in the marketplace which could jeopardize the confidential nature of some production data.

The Department also received correspondence from trade associations representing the large meatpackers, the National Independent Meat Packers Association and the American Meat Institute, which are in support of retaining MP Form 404 on a weekly basis. Similarly, the Commodity Futures Trading Commission (CFTC) has indicated its strong concern at the provision of reducing the reporting frequency.

**Impact of Proposal.** The greatest impact would be on the 6,300 official establishments which now submit a weekly report of production figures. The total annual reporting burden for these establishments is estimated to be 20,000 persons/hours based on time estimates of 15 minutes per form. It is also likely that there would be a secondary impact on nongovernmental users of the statistical data. The full effect of the proposed regulation on these parties, however, cannot now be assessed by the Department.

In formulating this proposal, the Agency has considered four other options in addition to the proposed annual requirement. These were: 1. Retention of the weekly report; 2. Monthly reporting; 3. Quarterly reporting; and 4. Elimination of the requirement entirely.\footnote{These options are discussed and analyzed in greater detail in the Agency's approved impact analysis (Appendix A).}

The Administrator has concluded that the option selected should be the one that provides the necessary regulatory information in the least burdensome manner and with the greatest cost savings possible. In view of the concerns expressed by some segments of the regulated industry and the need to reduce the paperwork burden on the meat industry and the Federal Government, which will result in cost savings to both, the Administrator believes that Form MP-404 reporting requirements should be changed from weekly to annually. The Administrator believes, however, that a complete elimination of this reporting requirement would be inappropriate, since there is a continuing need to obtain this information on an annual basis for budget requests, reports to Congress, and other analyses that examine overall staff productivity in meat processing inspection. As a result, an annual requirement has been proposed.

**Need for Amendment to the Codes of Federal Regulations.** The authority to institute an annual report is contained in section 40 of the Federal Meat Inspection Act (21 U.S.C. 677, which incorporates by reference provisions of the Federal Trade Commission Act (15 U.S.C. 45, 46, 49 and 50). Under this authority, the failure to file a required report could result in a penalty of $100 a day each day the report is overdue (21 U.S.C. 677). Currently, the regulations do not specifically require annual or production figures. In order to assure proper enforcement, the following proposal would amend § 320.6 of the Federal meat inspection regulations codified in 9 CFR to require that production reports be filed on an annual basis.

Therefore, it is proposed to amend the Federal meat inspection regulations at § 320.6 (9 CFR 320.6) by redesignating the present paragraph (b) as paragraph (c), and adding a new paragraph (b) as follows:

§ 320.6. Information and reports required from official establishments operators.

\footnote{The operator of each official establishment shall report annually the number of pounds of meat and meat food products produced at that establishment. The report shall be made on a form furnished by the Administrator and shall be submitted to}
proposing to change the frequency of the form from weekly to annual.

4. Background/legislative history. The statistical compilation of the public disclosure of processed meat products produced in federally inspected establishments dates back to 1900. The need for these data was predicated on the law of June 30, 1906. I.D. Forms 110, 110A, 110B, 110C, 110D, and 110E, which preceded MP Form 404, were created in September 1906 to satisfy these needs. Processing data derived from these forms were used to determine processing inspection needs, costs of processing inspection and as a base upon which to compare the total pounds of processed meat product that was condemned. Total pounds of product processed were collected by stations and forwarded to Washington. Prior to 1936, following implementation of the law of 1901, the number of white meat stamps affixed to packages of meat and meat products and the number of cases sealed containing meats and meat products were recorded.

The number of products reported varied between 24 and 23 items during 1917-1932 and 1935-1948. No reports were issued in 1933 and 1934 due to a temporary suspension in processing inspection for Emergency Slaughter work. Sliced bacon production was incorporated into the processing reports in 1937, and canning operations were segregated from other types of processing operations in 1948. A total of 46 products was reported on a periodic basis: 19 products were canned, 30 were processed.

In 1949, plant inspectors began to report processing production data to five recording stations where information was logged on Mark Sensed Cards. Increases in the number of processed products and concomitant production volumes led to the adoption of a new data collection system in 1962. Recording stations began to record production data on NEC paper tapes and mail them to Washington for computer processing and report preparation. MP Form 404 reports are currently forwarded to the Chicago Data Services Center for data entry and edit, and transmitted to the Washington Computer Center where the MP Form 404 data base is maintained, regular reports on processed production generated, and special requests for information prepared.

The number of product entry codes have increased over the years to reflect changing production patterns in the types of products processed. The latest change became effective in 1977 after a study of changing production patterns and data needs of users. The study revealed an increasing number of new meat food products whose formulation required periodic laboratory analyses to guarantee compliance with USDA standards of identity and an increasing popularity in existing meat food products that were formerly produced in low volumes. These meat food products were listed under broad or miscellaneous product categories in the existing MP Form 404. The study concluded that the segregation of these products by individual product categories would aid the Processed Products Inspection Division of

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Section 19260
Federal Register / Vol. 45, No. 59 / Tuesday, March 25, 1980 / Proposed Rules

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an inspector at the establishment. The report shall cover the period January 1 through December 31 and shall be filed by January 31 of the succeeding calendar year.

(c) * * *


This proposed rule has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations," and has been classified "significant." Because of the useful data contained therein, the approved Draft Impact Analysis is being published in Appendix A. In addition, this approved Draft Impact Analysis is available from Mr. John W. McCutcheon, Director, Policy Studies and Program Planning, Food and Safety and Quality Service, U.S. Department of Agriculture, Washington, DC 20250.

Done at Washington, DC, on March 18, 1980.

Carol Tucker Foreman, Assistant Secretary for Food and Consumer Services.

Note.—This Appendix A is being published for informational purposes only. It will not be codified and will not be part of the Code of Federal Regulations.

Appendix A

Draft Impact Analysis

1. Title: Reduction of Reporting Frequency of Processing operations at Official Establishments.

2. Nature of Proposed Action. The proposed action will reduce the reporting frequency of one of the FSQS reporting forms required of the meat slaughter and processing industry from a weekly to an annual basis. This form, MP Form 404, Processing Operations at Official Establishments, is a report on the number of pounds of meat, meat by-products and meat food product processed and canned by establishments under Federal inspection. The processing data solicited on MP Form 404 are solicited pursuant to Section 407 of the Federal Meat Inspection Act.

MP Form 404 is prepared in triplicate by plant management in federally inspected meat processing establishments. One copy is retained by the plant; the other two are given to the resident MPI Inspector. The inspector reviews the report for accuracy, retains a copy, and forwards the original to the MPI Chicago Data Services Center where it is logged into the FSQS computer and transmitted to the Washington Computer Center where the MP Form 404 data base is maintained and output records generated. Reports generated from the MP Form 404 data base include the following:

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Report and title Frequency of issuance

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210 Meat and meat food products—Weekly, monthly, quarterly, yearly, calendar year.

211 Processed meat and meat products—Monthly, quarterly, yearly, calendar year.

212 Meat and meat food products—Monthly, quarterly, yearly, calendar year.

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In Calendar Year 1978, the Agency processed 232, 169 MP Form 404 reports from 5,442 federally inspected meat processing establishments. Since production in many of the plants is seasonal, not all establishments report production every week; hence, the average number of plants reporting weekly is approximately 5,400.

The MP Form 404 contains 110 product entry codes. However, none of the establishments produce all of the products listed on the form, and few produce more than 20. In 1978, the weekly average number of products entered on MP Form 404 was 7.

3. Purpose and Need for the Action. The interest of the Federal Government in reducing the paperwork burden on industry has been most apparent in the last 4-5 years. In March 1976, the Office of Management and Budget (OMB) directed all executive departments and agencies to institute a 2 percent reduction in the number of hours spent by the public in official recordkeeping by September 1977 and 1978, respectively.

Discussion of the MP Form 404 surfaced in a letter from the Office of Management and Budget (OMB) to the Agency at the time. At the time, the annual number of respondents for MP Form 404 was estimated at 15,600.

Implementation of the law of 1901, the number of white meat stamps affixed to packages of meat and meat products and the number of cases sealed containing meats and meat products were recorded.

The number of products reported varied between 24 and 23 items during 1917-1932 and 1935-1948. No reports were issued in 1933 and 1934 due to a temporary suspension in processing inspection for Emergency Slaughter work. Sliced-bacon production was incorporated into the processing reports in 1937, and canning operations were segregated from other types of processing operations in 1948. A total of 46 products was reported on a periodic basis: 19 products were canned, 30 were processed.

In 1949, plant inspectors began to report processing production data to five recording stations where information was logged on Mark Sensed Cards. Increases in the number of processed products and concomitant production volumes led to the adoption of a new data collection system in 1962. Recording stations began to record processing data on NCR paper tapes and mail them to Washington for computer processing and report preparation. MP Form 404 reports are currently forwarded to the Chicago Data Services Center for data entry and edit, and transmitted to the Washington Computer Center where the MP Form 404 data base is maintained, regular reports on processed production generated, and special requests for information prepared.

The number of product entry codes have increased over the years to reflect changing production patterns in the types of products processed. The latest change became effective in 1977 after a study of changing production patterns and data needs of users. The study revealed an increasing number of new meat food products whose formulation required periodic laboratory analyses to guarantee compliance with USDA standards of identity and an increasing popularity in existing meat food products that were formerly produced in low volumes. These meat food products were listed under broad or miscellaneous product categories in the existing MP Form 404. The study concluded that the segregation of these products by individual product categories would aid the Processed Products Inspection Division of

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Further study of the form has revealed that 15 minutes is a closer approximation of the average time required to complete the form.

White meat stamps indicated post-mortem inspection. Cars referred to freight cars.
FSQS in tracking production and monitoring product compliance with Federal meat inspection regulations. A clearer delineation of MP Form 404 product categories would preclude many establishments from having to aggregate production volumes to conform to the broad or miscellaneous MP Form 404 product categories that existed in 1977. It should be noted that industry was divided in its views about these revisions to the form. A fuller discussion on industry's positions is found in the "Trade Association/Industry" section of this analysis. MP Form 404 product entry codes were subsequently increased from 85 to 110 items. Additional entries included mechanically processed beef, pork, and other products; dry cured hams; dried sausages and semi-dried sausages which required laboratory analyses and/or quality control programs to insure compliance with existing regulations.

5. Profile of MP Form 404 Users and Evaluation of Their Needs for Data. A complete profile of all MP Form 404 users is difficult to compile since many users may obtain MP Form 404 data from secondary sources that are not tracked by FSQS. Moreover, the purposes for which users obtain these data are frequently not known to the staff that prepares the data.

A. Governmental purposes, discontinuing the report would not lose annual data that estimate total production for inspection tasks and the annual Agricultural Statistics series. Annual data are also used in special reports derived from production data to supplement other FSQS's 210 Report on the number of pounds of meat and meat products processed under Federal Inspection in their Livestock, Meat and Wool Weekly Summary and Statistics. This report is sent monthly to approximately 8,200 recipients. AMS also forwards to the American Meat Institute (AMI) and the National Independent Meat Packers Association (NIMPA) copies of the 210 report. AMS does not use the information contained in the 210 Report directly, but rather disseminates it to those parties that do. Hence, less frequent reporting of MP Form 404 data will not affect AMS directly, but it may affect those who subscribe to AMS publications.

ESCS. The Economics, Statistics, and Cooperation Service obtains FSQS's and processing production data from AMS Market New Reports. They also receive a monthly tape with production statistics from FSQS. Processing production statistics are published annually in ESCS's Livestock and Meat Statistics. Production data are used for forecasting and production projections when seasonality could be an issue.

SEA. The Meat Quality Laboratory in the Science and Education Administration uses processing production data for general background material in research report, to justify research projects, and to quantify impacts or given actions and events that involve the food industry. They generally use quarterly or annual production statistics and translate them into dollar figures. Annual reporting of MP Form 404 data should not adversely affect SEA except when seasonal factors are important.

2. U.S. Department of Commerce. The Bureau of the Census periodically uses MP Form 404 processing production data from ESCS publication to check the reliability of official data. The Processed Products and Inspection Division of the Consumer Goods and Services Division, Industry and Trade Administration, in turn, utilizes MP Form 404 production data from census material. Annual data should satisfy Commerce needs.

3. U.S. Department of Labor. The Food Branch of the Consumer Price Division in the Bureau of Labor Statistics (LS) occasionally utilizes MP Form 404 production data from AMS Market News Reports when they have difficulty explaining given price trends. The data are also used in special reports concerning given commodity price movements. To be of value in evaluating given price movements, production data must be reported at least quarterly so that seasonality can be assessed.

4. Commodity Futures Trading Commission (CFTC). CFTC used sliced bacon production data derived from MP Form 404 to develop and test methods for forecasting hogs and belly futures. Production data are also used for daily market surveillance activities. While...
CFTC officials would prefer weekly statistics, they could manage with monthly statistics. Less frequent reporting of MP Form 404 statistics could impair the effectiveness of CFTC operations unless alternate sources of information were to be found. Presumably CFTC could gather its own data to meet its specific needs.

B. Trade Associations/Industry. Industry uses and views are divided on the value and burden of MP Form 404. Both the American Meat Institute (AMI) and the National Independent Meat Packers Association (NIMPA) receive a weekly copy of the 210 Report from the Agricultural Marketing Service (AMS). AMI publishes the production statistics and distributes them to its members.

Some of the industry uses these statistics for inventory control, production scheduling and market planning. Currently, no consumption figures for processed meats exist. Since it is generally assumed that all meat processed is consumed, MP Form 404 statistics are used as a proxy for processed meat consumption. MP Form 404 statistics are used both as a scheduling tool for current production and as a marketing tool for future production. Current consumption surveys could be used to provide some estimates of per capita processed meat consumption, however, data obtained from such surveys fail to reliably estimate actual consumption. It less frequent reporting of MP Form 404 data fails to satisfy industry needs, industry may need to find or provide for some alternate source of data.

The Pacific Coast Meat Association (PCMA), a trade association representing small and medium-sized meat processors, believes that the reporting of MP Form 404 data is overly burdensome and fears that the possible release of MP Form 404 data under the Freedom of Information Act may cause competitive harm to its members. The American Meat Institute (AMI) and the National Independent Meat Packers Association (NIMPA), on the other hand, believe that the time and cost savings of reducing the reporting of MP Form 404 would be minimal since the data must be gathered, compiled and maintained regardless of how often it is reported. Moreover, both AMI and NIMPA feel that reducing the reporting frequency of the MP Form 404 would severely curtail its worth since members of both associations use the data as a barometer of industry activity. PCMA views the concerns of AMI and NIMPA as being representatives of large firms that are interested in expanding their market which PCMA assumes would be at the expense of the smaller firms. They view MP Form 404 data as detailed marketing information which is of little or no value to their members who serve local markets and who have already identified the needs of their customers. The American Association of Meat Processors shares PCMA’s concerns to the extent that they also feel that the reporting of MP Form 404 data is burdensome.

C. The General Public. MP Form 404 weekly data are used most frequently by academic marketing specialists and agricultural economists for supply and demand estimates, trend and market forecasts, and as a basis for university research papers. In 1976, the Department received approximately 400 special requests from the public for MP Form 404 information. Annual data should satisfy the needs of the general public except in issues of seasonality.

6. Options Considered. a. Brief description

A. Option I—Weekly. Retain status quo. Federally inspected meat processing plants would continue to report production statistics on a weekly basis.

B. Option II—Monthly. Reduce current reporting frequency to a monthly basis.

C. Option III—Quarterly. Reduce current reporting frequency to a quarterly basis (4 reports/year).

D. Option IV—Annual. Reduce current reporting frequency to an annual basis.

E. Option V—Discontinue. Discontinue the reporting of these data.

b. Comparison of A. USDA and other Federal Costs. The following cost estimates are based on the number of MP Form 404 respondents in Calendar Year 1978. Since many of the meat processing establishments responding operate only part of the year, the average number of meat processing establishments that responded, 5,400, was used in the weekly cost estimates. The total number of establishments responding in Calendar Year 1978, 6,500, was used in the monthly, quarterly, and annual cost estimates.

The three major FSQS costs involving MP Form 404 include printing, mailing and data processing. Inspector time is not included in these costs since inspectors review production data as a regular part of their duties. The data processing costs involved include ADP system and support costs, and costs for computer aids and specialists.

Printing costs are $0.04 per form, and mailing costs, $0.15 per form. The following table is a summary of FSQS costs for MP Form 404 under each of the reporting options.

Discontinuing the report would eliminate all costs.

### FSQS Costs for MP Form 404

<table>
<thead>
<tr>
<th>Costs</th>
<th>Options</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>I</td>
</tr>
<tr>
<td><strong>Weekly</strong></td>
<td></td>
</tr>
<tr>
<td>Monthly</td>
<td>$2,005,000</td>
</tr>
<tr>
<td>Quarterly</td>
<td>$1,524,000</td>
</tr>
<tr>
<td>Annual</td>
<td>$2,524,000</td>
</tr>
</tbody>
</table>

### Total FSQS Costs:

- $176,292 for weekly reporting.
- $45,097 for monthly reporting.
- $6,295 for quarterly reporting.
- $4,669 for annual reporting.

Adjusted to compensate for economies of scale afforded in weekly processing.

Other Federal costs could include the costs of other Federal agencies to process their reports as outlined in earlier sections of this analysis. However, these costs were not available for analysis. Further, it was not possible to quantify the benefit to other Federal agencies in having these reports available on the different reporting periods examined.

B. Expected Impacts. On main purpose to which action is addressed. Most, if not all, meat processing establishments tally their production on a lot by lot basis and aggregate on a daily, weekly and annual basis. Other production aggregations are dependent on the individual needs of the plant and are not known at this time.

MP Form 404 product categories are generally broader than individual products marketed at retail. Some establishments may therefore need to aggregate production on these volumes of individual products to correspond to MP Form 404 product codes. Some canning establishments, moreover, record production on less than a can and/or case basis. These establishments might therefore convert production volumes to a pound figure to conform to government specifications. Given that the average number of MP Form 404 product entries totaled 7 codes per establishment in Calendar Year 1978, and taking all of the above factors in consideration, the average time required to complete the MP Form 404 is assumed to be 15 minutes per establishment. It should be noted that this time estimate is consistent with information obtained in an informal telephone survey of 7 different federally inspected establishments with varied production volumes and product categories and is less than the estimated 30 minutes used in the original Department analysis.

Using 15 minutes per form as the average time required to complete an MP Form 404, the amount of time industry devoted to this endeavor totaled 70,200 hours in Calendar Year 1978. This figure translates into 6 hours per plant per year. Option II will reduce the number of hours establishments devote to MP Form 404 27 percent or 5,300 hours per year.

Option III will reduce industry’s paperwork burden 91 percent or 63,000 hours per year. Option IV will reduce it 98 percent or 60,025 hours per year. The time individual establishments devote to MP Form 404 will be reduced by 6, 12, and 12%, hours, respectively, under Options II, III, and IV.

Option V of course would eliminate the burden entirely.

### Non-Federal cost impacts. The following industry cost and time estimates are based on 15 minutes per form, 5,400 forms per week, and 6,300 forms per reporting period for monthly, quarterly, and annual cost and time estimates. Personnel costs involved in processing the form are assumed equivalent to a GS-4, Step 5 plus benefits, or $0.07 per hour. The following is a summary of the estimated time and costs industry devotes to MP Form 404:

### Costs and Time Devoted to MP Form 404

<table>
<thead>
<tr>
<th>Options</th>
<th>I</th>
<th>II</th>
<th>III</th>
<th>IV</th>
</tr>
</thead>
<tbody>
<tr>
<td>weekly</td>
<td></td>
<td>13,173</td>
<td>4,268</td>
<td>1,111</td>
</tr>
<tr>
<td>monthly</td>
<td>10,900</td>
<td>3,600</td>
<td>927</td>
<td>234</td>
</tr>
<tr>
<td>quarterly</td>
<td>7,523</td>
<td>2,560</td>
<td>648</td>
<td>164</td>
</tr>
<tr>
<td>annual</td>
<td>5,783</td>
<td>1,860</td>
<td>480</td>
<td>124</td>
</tr>
</tbody>
</table>

1. The estimated number of establishments responding per week in Calendar Year 1978 was used in the weekly calculation. The total number of firms that responded in Calendar Year 1978 was used in the monthly, quarterly and annual calculations.
Federal Register / Vol. 45, No. 59 / Tuesday, March 25, 1980 / Proposed Rules
Over the years, and most recently when the
MP Form 404 was revised to expand the
number of product entry codes from 85 items
to 110 in 1976, compliants were received from
industry about the burden of reporting MP
Form 404 data. The Pacific Coast Meat
Association, for example, reported that its
members were particularly concerned about
the added reporting burdens and the possible
disclosure of individual operations in the
release of the 211 Report. The industry,
however, is divided as to the value of this
form; some believe the Federal burden is
minimal since they collect similar data for
their own purposes.
Alternativesources of data.The Census of
Manufacturersprovides similar data which
are more agregated than those available from
MP Form 404. Census data are obtained from
survey samples and extrapolated to the total
industrial population. They depict annual
totals, and publication is 2 to 3 years after the
reporting period. The Bureau of Census is the
only other source for meat processing data
currently available.
Othersignifcant effects. It is clear that a
number of users of the data do benefit from
the MP Form 404 data. Reducing the
frequency of the MPForm 404 to an annual
basis could hinder research involving
seasonal analysis as previously mentioned
and could temporarily influence the stability
of prices for the covered products in the
marketplace until other sources of data were
developed. However, the role of a regulatory
agency is to protect the public health and it
should not use its regulatory authority to
gather data on its regulated industry unless
utility of the'data can be directly linked to the
regulatory mission. Once the regulatory need
for the data can be justified then having the
data available for other users is reasonable
so long as these uses do not interfere with the
regulatory mission or cause harm to the firms
that supplied the information.
Option I currently costs the Government
approximately $176,000 a year. It consumes
approximately 70,000 hours of industry time,
or 13 hours per establishment, per year.
Option I's
cost to industry is approximately
$426,000, or $78 per establishment, per year.
Weekly reporting of MP Form 404 data is not
necessitated by any FSQS or other
Government agency needs. While CTFC
prefers weekly processing production data,
effective operation probably is not precluded
by less frequent data.
B. Option H--Monthly.Option R should
reduce FSQS costs 74 percent, or $130,695 per
year. Industry costs should be reduced
approximately 73 percent, or $311,391 per
year. The time devoted by industry to
complete the MP Form 404 should also be
reduced 73 percent, or 51,100 hours per year.
Monthly reporting of MP 404 statistics will
preserve seasonality.
C. Option Ill-Quarterly.Option I should
reduce FSQS costs 90.8 percent, or $159,937
per year. Industry costs should be reduced 91
percent, or $387,873 per year. The time
devoted by industry to complete the MP Form
404 should also be reduced 91 percent or
63,700 hours per year. Although quarterly
data are not readily amenable to seasonal
analysis, some adjustments can be made to
give some indication of seasonality.

D. Option IV-Annual. Option IV should
reduce FSQS costs by 97.4 percent, or
$171,563 per year. Industry costs should be
reduced 97.8 percent, or $418,554 per year.
The time devoted by Industry to complete the
MP Form 404 should also be reduced 97.8
percent, or 68,425 hours per year. Annual
data would preserve no Indication of
seasonality.
E. Option V-Discontinue.This option
would eliminate all FSQS and Industry costs
associated with the MP Form 404. It would
also eliminate all of Its uses. The Census of
Manufacturersdata would be the only
available source of production data. This
source would satisfy many reporting
requirements of total production statistics in
the Department and In FSQS. However these
data do not permit seasonal estimates, are
late in publication, and do not permit
estimates of production by single
establishments. One could expect, however,
the development by some Industry of systems
to benefit them at their own cost.
8. PublicCommenL Public comment on the
proposed action Is being solicited.
9. Approval.Approved:
Dated: March 17,1980.
Howard W. Hijort,
Director,Economics, PolicyAnalysisand
BudgeL
[FR Doc. 0-e95 FLied 3-4-&) &. ar]
BILWNG CODE 3410-D",-4

DEPARTMENT OF ENERGY
Office of Conservation and Solar
Energy
10 CFR Part 420
Minimum Criteria for Lighting
Efficiency Standards for Existing
Buildings: Results of August 6, 1979,
Notice of Inquiry (NOI) About Possible
Change
AGENCY: Department of Energy (DOE).
ACTION: Notice of inquiry;
announcement of decision.
SUMMARY: The responses to DOE's NOI
about possible changes in the minimum
criteria for lighting efficiency standards
[44 FR 45958, August 6, 1970) were
divided almost evenly between those
who favored retaining the current
criteria or using less stringent ones and
those who supported a change and
preferred strong mandatory standards.
After reviewing these comments, the
Department decided to retain the
existing minimum criteria. In addition,
DOE:
1. Will prepare a summary of the
comments about the NOI and release It
to the public, and
2. Will hold a one-day State lighting
standards implementation conference in
1980 for State lighting efficiency
program specialists and other interested
parties. (Date to be announced.)

19263

FOR FURTHER INFORMATION CONTACT.

Dorothy Cronheim, State Energy
Conservation Program Division. Office
of Conservation and Solar Energy U.S.
Department of Energy, 1000
Independence avenue SW., Mail Stop
2H027, Washington, DC 20585 (Tel: (202)
252-2353).
T. F. Stelson,
Assistant Secretary, ConservationandSJh!r
Energy
[FR Dc.c.w-e Fied 3Z4-- 8:45 am]
BIWLIK CODE 6450-01-M

CIVIL AERONAUTICS BOARD
14 CFR Part 399
[Docket 37444]
Statements of General Policy
March 19,1980.
AGENCY: Civil Aeronautics Board.
ACTION: Proposed rule; Extension of

Comment Period.
SUMMARY: The CAB extends by 20 days
the filing date for reply comments in a
rulemaldng proceeding proposing to
adopt a policy of allowing international
air cargo rate changes within a specified
ceiling without review.
DATES: Reply comments by: April 9,

1980.
Comments and other relevant
information received after these dates
will be considered by the Board only to
the extent practicable.
ADDRESSES: Twenty copies of comments

should be sent to Docket 37444, Civil
Aeronautics Board, 1825 Connecticut
Avenue, N.W., Washington, D.C. 20428.
Individuals may submit their views as
consumers without filing multiple
copies. Comments may be examined in
Room 711, Civil Aeronautics Board. 1825
Connecticut Avenue, N.W, Washington,
D.C. 20428, as soon as they are received.
FOR FURTHER INFORMATION CONTACT:.

Mark Frisbie, Office of the General
Counsel, Civil Aeronautics Board, 1825
Connecticut Avenue, N.W., Washington,
D.C. 20428; (202) 673-5423.
SUPPLEMENTARY INFORMATION: By notice

of proposed rulemaking PSDR-65, 45 FR
3594, January 18,1980, the Board
proposed a new policy for evaluating
international cargo rate proposals. The
new policy would establish a ceiling in
each market below which cargo rates
would be presumed reasonable, and the
Board would not ordinaily review
proposed changes below that ceiling for
economic reasonableness. The initial
comment deadline was February 19,
1980, with reply comments due February


Consideration of Developing Standards for Frozen, Gutted Pacific Salmon

Therefore, under the procedures in §109.6 (21 CFR 130.6), notice is given that the Commissioner of Food and Drugs has terminated consideration of developing U.S. standards for frozen, gutted Pacific salmon based on the Codex standard. This action is without prejudice to further consideration of the development of U.S. standards for frozen, gutted Pacific salmon upon appropriate justification.

The Codex Alimentarius Commission will be informed that an imported food that complies with the requirements of the Codex standard for frozen, gutted Pacific salmon may move freely in interstate commerce in this country providing that it complies with applicable U.S. laws and regulations.


William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.

BILLING CODE 4101-00-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
Food and Drug Administration

21 CFR Part 161

[Docket No. 78N-0360]

Quick Frozen Gutted Pacific Salmon, Notice of Intent to Establish Standard; Termination

AGENCY: Food and Drug Administration.

ACTION: Notice of termination of consideration.

SUMMARY: This notice terminates the review by the United States of the Codex Alimentarius Commission (Codex) "Recommended International Standard for Quick Frozen Gutted Pacific Salmon." The response to the Food and Drug Administration's (FDA's) request for comments on the provisions of the Codex standard and on the desirability of establishing U.S. standards for frozen, gutted Pacific salmon indicates that there is insufficient need for proposing U.S. standards for this food at this time. Therefore, FDA is terminating consideration of developing U.S. standards for frozen, gutted Pacific salmon until such time that adequate evidence is presented that the establishment of such standards would be in the interest of U.S. consumers.

EFFECTIVE DATE: March 25, 1980.


SUPPLEMENTARY INFORMATION: In the Federal Register of February 23, 1979 (44 FR 10738), FDA published an advance notice of proposed rulemaking that offered interested persons an opportunity to review the Codex "Recommended International Standard for Quick Frozen Gutted Pacific Salmon" and to comment on the desirability and need for U.S. standards for this food. The Codex standard was submitted to the United States for consideration for acceptance by the Joint Food and Agriculture Organization/World Health Organization Codex Alimentarius Commission.

Six letters were received by the Hearing Clerk, Food and Drug Administration, in reference to the advance notice of proposed rulemaking. One letter from the U.S. Metric Board advanced no position whether U.S. standards for the food are necessary, but, instead, spoke to other considerations. Letters favorable to establishing U.S. standards for frozen, gutted Pacific salmon were received from representatives of: (a) the state of New Jersey, Department of the Treasury—no reasons were given for its support of U.S. standards; (b) the State of Tennessee, Department of Agriculture—considered that U.S. standards would guarantee better quality for consumers and less deception in the marketplace; and (c) the Veterans Administration (Chillicothe, Ohio)—considered that U.S. standards would materially improve the quality of the food in both domestic and international trade. Letters opposing the establishment of standards were received from two trade associations purporting to represent the majority of Pacific salmon packers. Arguments against the establishment of U.S. standards included statements that frozen, gutted Pacific salmon is a trade item and that the present marketing system allows for the necessary flexibility based on market needs while at the same time maintaining satisfactory product quality. It was noted that products intended for export must meet the established specifications of the importing country.

Having considered the comments received, FDA has concluded that because of the nature of the product, i.e., essentially a trade item which is subjected to additional processing prior to sale to U.S. consumers, sufficient need has not been demonstrated to warrant proposing U.S. standards at this time. The agency believes that the general provisions of the Federal Food, Drug, and Cosmetic Act (the act) are sufficient to protect American consumers. FDA advises that frozen, gutted Pacific salmon which consists in whole or in part of filthy, putrid or decomposed material or which is otherwise unfit for food is subject to regulatory action under the adulterated food provision 402 of the act (21 U.S.C. 342). Furthermore, a product which does not bear the appropriate common or usual name of the species used will be considered misbranded under the provisions of section 403 of the act (21 U.S.C. 343) and thereby subject to legal action.

Therefore, under the procedures in §109.6 (21 CFR 130.6), notice is given that the Commissioner of Food and Drugs has terminated consideration of developing U.S. standards for frozen, gutted Pacific salmon based on the Codex standard. This action is without prejudice to further consideration of the development of U.S. standards for frozen, gutted Pacific salmon upon appropriate justification.

The Codex Alimentarius Commission will be informed that an imported food that complies with the requirements of the Codex standard for frozen, gutted Pacific salmon may move freely in interstate commerce in this country providing that it complies with applicable U.S. laws and regulations.


William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.

BILLING CODE 4101-05-M

21 CFR Parts 182, 184

[Docket No. 79-0209]

Sodium Hydroxide and Potassium Hydroxide; Proposed Affirmation of GRAS Status as Direct Human Food Ingredients

Correction

In FR Doc. 80-5518 appearing on page 11842 in the issue of Friday, February 22, 1980, make the following corrections:

(1) On page 11845, first column, in the first line of the paragraph amending §§ 182.70 and 182.90, "... § 182.70..." should have read "... § 182.70...".
(2) In the second column of page 11845, the thirteenth line of paragraph (d) of § 194.1763 now reading "... In § 170.3(n)[10] of this chapter, 0.11 ..." should have read as follows:

"... In § 170.3(n)[9] of this chapter; 0.1 percent for dairy product analogs as defined in § 170.3(n)[10] of this chapter; 0.15 ..."

BILLING CODE: 1505-01-M

21 CFR Part 310
[Docket No. 78N-0177]

Sweet Spirits of Nitre for Over-the-Counter Human Use
Correction

In FR Doc. 80-5325 appearing on page 11849 in the issue of Friday, February 22, 1980, make the following corrections: (1) In column three of page 11849, delete the footnote "Milligrams per day" from Table 1. (2) In the third column of page 11850, Table 5, the third item in the "Tmax" column now reading "2.9" should have read "2.0". (3) The first line of the top of the first column of page 11851 should be completed as follows:

"... of the new formulation with the old product and a solution of an ..."

(4) In the second column of page 11851, three lines above Table 8, "... show on gross ..." should have read "... show no gross ...". (5) In the third column of page 11851, in the last line of the first paragraph, "ethozolamide" should have read "ethoxazolamide". (6) In the eighth line of the fourth paragraph "... 0.1 N HCl ..." should have read "... 0.1 N HCl ...". (7) In the first column of page 11852, in the ninth line of the paragraph designated "1", "... (T_max) of the absorption ..." should have read "... (T_max) or the absorption ...".

BILLING CODE: 1505-01-M

21 CFR Part 348
[Docket No. 78N-0301]

External Analgesic Drug Products for Over-the-Counter Drug Use; Establishment of a Monograph and Notice of Proposed Rulemaking; Correction

AGENCY: Food and Drug Administration.

ACTION: Correction of proposed rule.

SUMMARY: The agency is making corrections to FR Doc. 79-36593, relating to external analgesic drug products for over-the-counter drug use published at 44 FR 69768, December 4, 1979.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, Bureau of Drugs (HFD-510), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4990.

SUPPLEMENTARY INFORMATION: The Food and Drug Administration issued in the Federal Register of December 4, 1979 (44 FR 69768) a proposed rule regarding external analgesic drug products for over-the-counter drug use. The document would add a new Part 348 (21 CFR Part 348) to Chapter I of Title 21 of the Code of Federal Regulations. A correction document was published in the Federal Register of February 6, 1980 (46 FR 7829). This document makes further corrections. The following changes are made:

1. On page 60845 column 1, under "Dates", change "March 6, 1980" to "March 9, 1980."

2. On page 60871, column 2, line 15, delete "Benzenethionium chloride."

3. On page 60878, column 3, reference (4), change "J. C. Hardy" to "J. D. Hardy."

4. On page 60882, column 2, reference (2), change "Beutner." to "Beutner." 

5. On page 60886, column 3, last line in the table, insert superscript "1" after "Triethanolamine salicylate.

6. On page 60878, column 1, last line in the first complete paragraph, delete "(CM)."

7. On page 60940, column 1, reference (7), change "McKay" to "Mackay."

8. On page 60945, column 4, line 21, change "hygroscopic" to "hygroscopic."

9. On page 60945, column 5, line 23, insert "Ref. 1) after "hydration."

Dated: March 17, 1980.

William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-5325 Filed 2-15-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 357
[Docket No. 79N-0379]

Exocrine Pancreatic Insufficiency Drug Products for Over-the-Counter Human Use; Establishment of a Monograph; Extension of Time for Comments and Reply Comments

AGENCY: Food and Drug Administration.

ACTION: Proposed rule; extension of comment periods.

SUMMARY: The Food and Drug Administration (FDA) extends the comment period to April 21, 1980, and extends the reply comment period to May 21, 1980, on the proposal to establish conditions for the safety, effectiveness, and labeling of over-the-counter (OTC) exocrine pancreatic insufficiency drug products. This action is being taken to allow more time for the collection and assessment of data to provide more meaningful comments on the issue.

DATES: Written comments by April 21, 1980, and reply comments by May 21, 1980.

ADDRESS: Written comments to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-625, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, Bureau of Drugs (HFD-510), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4990.

SUPPLEMENTARY INFORMATION: In the Federal Register of December 21, 1979 (44 FR 75566), FDA proposed to establish conditions for the safety, effectiveness, and labeling of exocrine pancreatic insufficiency drug products for over-the-counter (OTC) human use. The proposed rule, based on the recommendations of the Advisory Review Panel on OTC Miscellaneous Internal Drug Products, is part of the ongoing review of OTC drug products conducted by the agency. Interested persons were given until March 20, 1980, to comment on the proposal and until April 21, 1980, for reply comments. In response to the proposal, the Cystic Fibrosis Foundation requested a 30-day extension of the comment period. This extension of the comment period was...
received to allow the Cystic Fibrosis Foundation sufficient time to develop a response to the Panel's recommendation that pancrelipase (now available only by prescription) be available over-the-counter. In support of its request, the Cystic Fibrosis Foundation pointed out that the "information copy" (preliminary draft of the Panel's report dated October 1978 did not alert persons to a change in the status of pancrelipase because the recommendation was not made by the Panel until the November 17-19, 1978 meeting. The Cystic Fibrosis Foundation also advised that its organization is a voluntary health agency with a very limited budget and a small staff and that could not respond quickly to issues of this type.

FDA has carefully considered the request. Because the comments of the Cystic Fibrosis Foundation will be in the public interest, the agency considers an extension of the comment period for 30 days to be appropriate.

Accordingly, the comment period is extended to April 21, 1980, and the reply comment period is extended to May 21, 1980. Comments may be seen in the office of the Hearing Clerk, Food and Drug Administration, at the address noted above, between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 17, 1980.
William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.

DEPARTMENT OF LABOR
Occupational Safety and Health Administration
29 CFR Part 1926
[Docket No. S-107]

Entry and Work in Confined Spaces
AGENCY: Occupational Safety and Health Administration, U.S. Department of Labor.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: The Occupational Safety and Health Administration (OSHA) requests information of value in the development of standards for entry to, work in, and rescue from confined spaces in construction. Continuing reports of deaths and injuries to employees working in and rescuing employees from such work areas have been received by the Agency.

DATES: Comments should be received by May 31, 1980.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, Bureau of Drugs (HFD-510), Food and Drug Administration, Department of Health, Education, and Welfare, 5000 Fishers Lane, Rockville, MD 20857, 301-443-4960.

SUPPLEMENTARY INFORMATION:

1. On page 75667, last paragraph of the second column, change "Category II" to "Category III.

2. On page 75667, in the third column, change "C. General Discussion" in the third line, change "enzymes" to "enzymes.

3. On page 75668, in the first column, in Reference (1), change volume "23" to "266.

4. On page 75668, in the second column, the last sentence of paragraph 2 should be reworded as follows: "At the present time the Panel is not aware of any such combination product which would satisfy the above requirements.


6. On page 75669, in the first column, in Reference [3], change "Handscom" to "Hanscom."
1926.850(a), 1926.955(a), 1926.956(b), 1926.957(b)(2) and other provisions of a more general nature in Subparts C, D, E, and F. Information relating to the effectiveness of these existing provisions, their clarity, and any omissions of necessary or appropriate provisions is requested.

2. What is a suggested definition for a "confined space"?

3. What method is recommended for classifying confined spaces based on the degree of risk to employees?

4. How should radiation hazards that may be encountered in confined spaces be addressed in the proposed regulation?

5. What procedures are recommended for entry into confined spaces under inert atmospheric conditions?

6. How should working conditions in confined spaces that are at pressures greater or less than atmospheric be regulated?

7. How should confined space hazards encountered in tunneling and associated work areas be regulated?

8. What unique hazards of work with explosives are encountered in confined spaces?

9. What minimum dimensions of entry, exit, and working space should be required to assure safety in confined spaces?

10. How should a "hazardous atmosphere" be defined?

11. When should confined spaces be tested for hazardous atmospheres?

12. What procedures, methods and instruments are available, in use, or recommended for testing and monitoring confined spaces for oxygen content, toxic materials or flammable atmospheres?

13. When should continuous ventilation of confined spaces be required?

14. What conditions require standby ventilation capability or preparedness?

15. What is the safe minimum oxygen level for breathing? What adjustments in required oxygen level are necessary depending upon elevation above sea level?

16. What procedures for testing for oxygen should be specified?

17. What are the limitations of combustible gas analyzers? How can these limitations be compensated for?

18. What conditions require continuous monitoring of a confined space when persons are working in the space? What testing methods are used? How often should tests be performed?

19. What problems are encountered with the use of ventilation, purification, testing and monitoring equipment and procedures?

20. What training should be given to employees who work in confined spaces?

21. When should personnel be stationed at the entrance to a confined space to assist persons working within the space?

22. How should communications be maintained between personnel within the confined space and personnel on the outside?

23. What is the incidence of injury or death associated with working in confined spaces or attempting to rescue employees from confined spaces?

24. Are the costs of testing, procedures and programs, ventilation or purification procedures and equipment, standby rescue equipment, training programs and recordkeeping?

25. What safety procedures and equipment should be used when entering or working in confined spaces (e.g. communication procedures, isolation and lockout procedures, safety harnesses, personal protective clothing, spark-resistant tools, lockout or tagout procedures)?

26. What are the problems with the implementation and administration of a permit system for work in confined spaces (e.g. who should have authority to issue such permits, how would such a system be enforced, what would be the costs of such a system be, who would bear the responsibility of obtaining the permit)?

27. Should preemployment physicals be required for employees assigned to work in confined spaces? What problems of implementation and administration would be involved with such a requirement?

28. What hazards present chronic and/or acute health problems to employees working in confined spaces? How should these hazards be regulated?

29. What special precautions should be taken to protect against confined space hazards that may be created during construction?

30. What special considerations should be given to hot work, such as welding, in confined spaces?

31. What other related issues should be addressed by OSHA in developing a standard applying to confined spaces in construction?

This Advance Notice of Proposed Rulemaking is issued under section 6 of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 29 U.S.C. 655) and Secretary of Labor's Order No. 8-76 (41 CFR 25059).

Signed this 20th day of March, 1980.

Eula Bingham,  
Assistant Secretary of Labor  
[Signature]

BILLING CODE 4110-36-M

Mine Safety and Health Administration

30 CFR Part 55, 56 and 57

Review of Standards; Advance Notice of Proposed Rulemaking

AGENCY: U.S. Department of Labor, Mine Safety and Health Administration.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Mine Safety and Health Administration (MSHA) invites public participation in the initial stages of its review of all standards contained in Parts 55, 56 and 57 of Title 30, Code of Federal Regulations, which are concerned with safety and health standards applicable to metal and nonmetal mines. Specifically, MSHA solicits the views of interested persons concerning a manner in which Parts 55, 56 and 57 should be reviewed for possible rulemaking activity to upgrade the standards contained in these various sections.

DATE: Comments must be received on or before May 27, 1980.

ADDRESS: Interested persons are invited to submit written comments and suggestions to the Office of Standards, Regulations and Variances, MSHA, Room 631, 4013 Wilson Boulevard, Arlington, Va. 22203.

FOR FURTHER INFORMATION CONTACT: Frank A. White, Director, Office of Standards, Regulations and Variances, MSHA, phone (703) 25-1910.

SUPPLEMENTARY INFORMATION: On August 17, 1979, MSHA published its final rule which revoked or revised existing advisory safety and health standards applicable to metal and nonmetal mines (44 FR 48390). This final rule converted those standards which were not revoked to mandatory standards as required under section 301(b)(2) of the Federal Mine Safety and Health Act of 1977. During the course of the rulemaking process MSHA determined that a more extensive review of many of the standards contained in Parts 55, 56 and 57 would be appropriate. In the preamble to the final rule, MSHA stated the following:

In conjunction with its long-term standards development policy and Presidential directives, such as Executive Order 12044, MSHA intends to conduct a comprehensive study of all the health and safety standards contained in 30 CFR Parts 55, 56 and 57 in
order to assess their continued applicability and effectiveness. In addition, the agency will evaluate changes in technology, economic conditions and other factors which affect the applicability of its existing standards, and will revise them accordingly. An integral part of MSHA's review will be the development of new or revised health and safety standards under section 101 of the Mine Act. * * *

MSHA considers early public participation in this standards review, process to be particularly important. The agency urges the mining community to describe any problems relating to organization, indexing, style and format, as well as particular areas of substantive concern. Certain standards may need to be clarified may no longer be technically applicable or otherwise necessary, may be duplicative of or overlapping with other MSHA standards, or may be inconsistent with other Federal or state agency standards. Commenters are invited to address these areas and to provide a list indicating which sections of Parts 55, 59 and 57, or other general areas of concern should be reviewed for possible rulemaking action and the order in which the review should occur. MSHA will then develop an agenda and timetable for further action.

MSHA's review will include all standards contained in Parts 55, 59 and 57 as of January 1, 1980.


Robert B. Lagather,
Assistant Secretary for Mine Safety and Health.

[FR Doc. 80-3039 Filed 3-24-80; 8:45 am] BILLING CODE 4510-43-M

DEPARTMENT OF THE INTERIOR
Office of Surface Mining Reclamation and Enforcement

30 CFR Part 324

Partial Approval/Partial Disapproval of the Permanent Program Submission From the State of Mississippi Under the Surface Mining Control and Reclamation Act of 1977

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), (U.S.) Department of the Interior.

ACTION: Proposed Rule.

SUMMARY: On August 2, 1979, the State of Mississippi submitted to the Department of the Interior its proposed permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The purpose of the submission is to demonstrate the State's intent and the capability to administer and enforce the provisions of SMCRA and permanent regulatory program regulations, 30 CFR Chapter VII. After opportunity for public comment and thorough review of the program submission, the Secretary of the Interior has determined that the Mississippi program only partially meets the minimum requirements of SMCRA and the Federal permanent program regulations. Accordingly, the Secretary of the Interior has approved in part and disapproved in part the Mississippi program. Mississippi will not assume primary jurisdiction for implementing SMCRA until its program receives complete approval.

DATE: Mississippi has sixty days to submit revisions of the disapproved portions of the program for the Secretary's consideration.

FOR FURTHER INFORMATION CONTACT: Mr. Carl C. Close, Assistance Director, State and Federal Programs, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, South Building, 1981 Constitution Avenue, NW., Washington, D.C. 20240, Telephone (202) 343-4225

ADDRESSES: Copies of the Mississippi program submission and the administrative record on the Mississippi program are available for public inspection and copying during business hours at:

Mississippi Department of Natural Resources, Bureau of Geology and Energy Resources, 2229 N. West Street, Jackson, Mississippi 32218, Telephone (601) 354-6228.

Office of Surface Mining Reclamation and Enforcement, Region II, Suite 500, 530 Gay Street, SW., Knoxville, Tennessee 37902, Telephone (615) 637-8000.


SUPPLEMENTARY INFORMATION:

General Background on the Permanent Program

The environmental protection provisions of SMCRA are being enacted in two phases—the initial program and the permanent program—in accordance with sections 501–503 of SMCRA. 30 U.S.C. 1251–1253. The initial program has been in effect since December 13, 1977, when the Secretary of the Interior promulgated interim program rules, 30 CFR Parts 710–725 and 795, 42 FR 62639. The permanent program will become effective in each State upon the approval of a State program by the Secretary of the Interior or implementation of a Federal program within the State. If a State program is approved, the State will be the primary regulator of activities subject to SMCRA, rather than the Federal government.

The Federal rules for the permanent program, including procedures for States to follow in submitting State programs, and minimum standards and procedures the State programs must include to be eligible for approval, are found in 30 CFR Parts 703–707 and 730–865. Part 705 was published October 20, 1977 (42 FR 56064). Parts 705 and 805 (originally Part 860) were published December 13, 1977 (42 FR 62639). The other permanent program regulations were published at 44 FR 15385–15393 (March 13, 1979).

The Secretary may either approve the program unconditionally, if amendments have been published at 44 FR 61185 (November 19, 1979). Amendments to the rules, have been published at 44 FR 69055 (October 22, 1979) and amended at 44 FR 75143 (December 19, 1979), at 44 FR 75303 (December 19, 1979), at 44 FR 77440–77447 (December 31, 1979) and at 45 FR 2636–2639 (January 11, 1980).

Any State wishing to assume primary jurisdiction for the regulation of coal mining under SMCRA may submit a program for consideration. The Secretary of the Interior has the responsibility to approve or disapprove the submission.

The Federal rules governing State program submissions are found at 30 CFR Parts 730–732. After review of the submission by OSM and other agencies, opportunity for the State to make additions or modifications to the program, and opportunity for public comment, the Secretary may either approve the program unconditionally, approve it conditioned upon minor deficiencies being corrected in accordance with a timetable set by the Secretary, or disapprove the program in whole or in part. If any part of the program is disapproved, the State may submit a revision of that part of the program to correct the items which needed change to meet the requirements of SMCRA and the applicable Federal regulations. If any part of this revised program is also disapproved, the Secretary may either disapprove the program unconditionally, approve the program conditioned upon meeting the requirements of SMCRA and the applicable Federal regulations, or disapprove the program in whole or in part. If any part of the program is disapproved, the State may submit a revision of that part of the program to correct the items which needed change to meet the requirements of SMCRA and the applicable Federal regulations. If any part of this revised program is also disapproved, the Secretary may either disapprove the program unconditionally, approve the program conditioned upon meeting the requirements of SMCRA and the applicable Federal regulations, or disapprove the program in whole or in part.
jurisdiction after the Federal program is implemented.

The Secretary, in reviewing State programs, is complying with the provisions of Section 503 of SMCR, 30 U.S.C. 1253, and 30 CFR 732.15. With respect to the Mississippi program, the Secretary has used as criteria the Federal rules, as corrected, amended and suspended in the Federal Register notices cited above under “General Background on OSM Permanent Program.”

State programs must contain provisions which regulate coal mining in accordance with the requirements of the Federal Surface Mining Act and consistent with the Secretary's regulations. With respect to suspended regulations, the following standards are being applied in reviewing State program submissions:

1. A State program need not contain provisions to implement a suspended regulation and no State program will be disapproved for failure to contain a suspended regulation.

2. A State program must be able to implement all provisions in the Surface Mining Act which are part of the regulation of coal mining during the permanent program, including those provisions of the Surface Mining Act upon which the suspended regulations were based.

3. A State program may not contain any provision which is inconsistent with the provision of the Surface Mining Act.

A State program may not include provisions implementing a suspended regulation if that regulation was suspended because it was inconsistent with the Surface Mining Act. There were two such suspensions, relating to two such suspensions, relating to provisions, characterized as more stringent than the provisions, with the Surface Mining Act. There were appearances that any other suspended provisions of the Secretary's remaining rules.

4.30 CFR 732.17 will govern this process for States with approved programs.

After the Secretary published the Federal regulations for the permanent program, they were challenged in a lawsuit brought in the United States District Court for the District of Columbia (In re: Permanent Surface Mining Regulation Litigation), No. 79-1144 (D.D.C. February 28, 1980). Because of the large number of regulations being challenged the Court decided to hear the case in two rounds. Approximately half the issues were briefed in the first round and argued at a hearing held on November 18, 1979. The remaining issues were briefed and argued in the second round, which followed behind the first round schedule by approximately two months.

On February 28, 1980, the court ruled on the regulations challenged in the first round. The court upheld most of the challenged regulations but did remand the following regulations to the Secretary for further consideration and rulemaking:

1. 30 CFR 732.25(b)(2) and 905.13(d)- These sections state the State program must be consistent with 30 CFR Part 845, which establishes civil penalties; the court held that the Secretary could not require the States to establish a point system for penalty assessment;

2. 30 CFR 781.5(a)(2)(l)- This definition of "valid existing rights" requires that all permits necessary for mining must have been obtained before August 3, 1977; if an operation is to be eligible to mine in those areas where mining is prohibited under section 522(e) of SMCR; the court held that it is only necessary for the operator to establish that a "good faith" effort was made to acquire the necessary permits before August 3, 1977;

3. Provisions of 30 CFR Parts 779, 780, 783, and 784 which require information for the "mine plan area" and the definition of that term set forth in Section 701.5—These provisions require information in the permit application and reclamation plan for areas which will not be in the permit area under the current application but which will be in future permit areas; the court held that the informational requirements of 30 CFR 779, 780, 783 and 784 should be limited to the permit area unless otherwise required by the Act;

4. 30 CFR 779.20 and 780.16—These regulations require that each permit application and reclamation plan contain detailed information on fish and wildlife resources, but the court held that there is no statutory authority for requiring this information;

5. 30 CFR 779.21 and 783.21—These sections require permit applications to include additional information where the lands do not qualify as prime farmland; the court concluded that, under the Act, soil surveys can only be required for prime farmland;

6. 30 CFR 807.11(e)—This section was remanded because it does not provide that, in informal hearings on bond release, the regulatory authority may arrange for citizens to accompany an inspector on a mine site inspection;

7. 30 CFR 808.14(b)—This section allows forfeiture of the entire bond amount, even if this amount will exceed the cost of reclamation; but the court ruled that bond forfeitures should be limited to the amount needed to cover reclamation costs;

8. 30 CFR 785.15(d)(2) and (iv)—These paragraphs require one year of hydrologic data and water quality analyses for alluvial valley floors, but the court held that such data can be provided for a shorter period of time or on the basis of extrapolations from existing information rather than requiring one year of data in all cases;

9. 30 CFR 785.15(e)(1)—This paragraph defines as a "significant" effect on farming any mining on an alluvial valley floor which removes from production, over the life of the mine, sufficient acreage to decrease the farm's income from agricultural activity; the court held that the Act authorized permit approval when the mining activity will have a "negligible impact" on farm productivity;

10. 30 CFR 785.15(e)(1)—This section prohibits mining on alluvial valley floors if it will cause hydrologic damage to undeveloped range land or small farm land areas; instead, the court ruled that this regulation should incorporate the statutory exemption of section 510(b)(5)(A) to allow mining in such areas;

11. 30 CFR 816.115, 817.115, 823.31(c), 823.15(b) and (c)—These sections were remanded because they require that, after mining and before bond release, the land must actually be used for grazing or cropland as a measure of the success of revegetation; the court held that there was no statutory basis for such an actual use standard;

12. 30 CFR 816.115(b) and 817.116(b)—These sections were remanded because they require the operator to be responsible for reforestation within years beginning with achievement of required vegetative cover, rather than beginning with the last year of augmented seeding and fertilizing;

13. 30 CFR 816.133(c)(4), (c)(9) and 817.133(c)(4), (c)(9)—These sections require that, before certain postmining land uses can be approved, the operator must provide written commitments of
financing or management to the regulatory authority; the court held that only a reasonable likelihood of postmining land use required by the Act and that letters of commitment should not be required.

The Mississippi program was submitted to the Department before the court's decision and contains provisions based on these remanded regulations. After the Secretary has had an opportunity to review the court's opinion in depth, he will determine what action to take while pursuing an appeal of the decision. If any is taken, or while reconsidering any appeal or reconsideration, Mississippi will be given opportunity to amend its program to reflect the changes adopted by the Department.

Background on the Mississippi Program Submission

Mississippi's surface mining legislation was enacted in April 1979. The Mississippi permanent program submission was submitted to the OSM Region II office on August 2, 1979. Appropriate distribution was made within OSM and to other governmental agencies. Announcement of receipt of the submission was made in newspapers of general circulation in the State of Mississippi and published in the Federal Register on August 10, 1979 (44 FR 47172-47174). An appropriately announced public review meeting regarding completeness of the submission was held in Granada, Mississippi on September 18, 1979. Comments from the reviewers regarding completeness were coordinated and the submission was deemed incomplete. The State was so notified on October 2, 1979, and a determination that the State program was incomplete was published in the Federal Register on October 9, 1979 (44 FR 50000-50001). On November 14, 1979 additional material including information describing program systems was received from the Mississippi Department of Natural Resources (DNR) which completed the submission and corrected other deficiencies.

On November 20, 1979, the Regional Director published notice in the Federal Register (44 FR 6679-66761) and to newspapers of general circulation within the State that the amended Mississippi submission was complete. The notice set forth a summary of the amended State program, the times and locations for public review of the program, and procedures for the public hearing and comment period on the substance of the Mississippi program.

Comments from reviewers regarding content of the Mississippi program were coordinated by the Region II office, and a list of deficiencies and suggestions for corrections was forwarded to the Mississippi DNR on November 28, 1979. The public hearing regarding the Mississippi permanent program submission was held in Meridian, Mississippi, on December 20, 1979.

The Mississippi DNR has advised Region II OSM that final regulations will be enacted by early May 1980. The Region II office has been advised by the Director of the DNR that, except for actual promulgation of the regulations, the DNR will have made all the corrections identified in this notice by the latter part of February 1980.

Following the December 20, 1979 public hearing, the Regional Director completed his program review on January 4, 1980, and forwarded the public hearing transcript, written presentations, exhibits and copies of all comments to the Director together with a recommendation that the program be conditionally approved.

On January 30, 1980, the Administrator of the Environmental Protection Agency transmitted his written concurrence on the portions of the Mississippi program that the Secretary approves.

On March 3, 1980, the Secretary publicly disclosed the views of the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and the heads of other Federal agencies.

On February 19, 1980, the Director recommended to the Secretary that the program be approved in part and disapproved in part.

Secretary's Findings

In reaching his decision to approve in part and disapprove in part the Mississippi program submission, the Secretary makes the following findings pursuant to Section 503 of SMCRA and 30 CFR 732.15. These findings offer corrective action that may be utilized by Mississippi in revising disapproved parts of the program for resubmission. However, the resubmitted portions of the program will be subject to review and comment by the public prior to a final decision by the Secretary. (The sequence and numbering of the findings corresponds to Section 503 of SMCRA and 30 CFR 732.15.)

Section 503 of SMCRA Findings

(a) The Secretary makes the following findings for the provisions of section 503(a) of the Surface Mining Control and Reclamation Act (SMCRA):

(1) The Mississippi Surface Coal Mining and Reclamation Act (Mississippi SMCRA), and the Mississippi Administrative Procedures Law provide for the regulation of surface coal mining and reclamation operations on non-Indian and non-Federal lands in Mississippi in accordance with the requirements of SMCRA;

(2) The Mississippi SMCRA provides sanctions for violations of Mississippi laws, regulations or conditions of permits concerning surface coal mining and reclamation operations, and these sanctions meet the requirements of SMCRA, including civil and criminal actions, forfeiture of bonds, suspensions, revocations, and withholding of permits, and the issuance of cease-and-desist orders by the Mississippi DNR or its inspectors;

(3) The State program submission provides for the Mississippi DNR to have sufficient administrative and technical personnel and sufficient funding to enable Mississippi to regulate surface coal mining and reclamation operations in accordance with the requirements of SMCRA;

(4) Mississippi law provides for the effective implementation, maintenance and enforcement of a permit system that meets the requirements of SMCRA for the regulation of surface coal mining and reclamation operations on non-Indian and non-Federal lands within Mississippi;

(5) Based on information in the program and other relevant information the Secretary is unable to find that the Mississippi program establishes a process for the designation of areas as unsuitable for surface coal mining in accordance with Section 522 of SMCRA; and

(6) Based on information contained in the program and other relevant information, the Secretary is unable to find that the program provides for the establishment, for the purpose of avoiding duplication, of a process for coordinating the review and issuance of permits for surface coal mining and reclamation operations with other Federal and State permit processes applicable to the proposed operations;

(7) The program does not include enacted rules and regulations consistent with regulations issued by the Secretary;

(b) As required by Section 503(b) of SMCRA the Secretary has taken the following actions:

(1) Solicited and obtained, through OSM, the views of the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and the heads of other Federal agencies concerned with or having special expertise pertinent to the proposed
Mississippi program. On March 3, 1980, the views of the above Federal agencies were publicly disclosed;

(2) Obtained the written concurrence of the Administrator of the Environmental Protection Agency with respect to those aspects of the Mississippi program which relate to air or water quality standards promulgated under the authority of the Federal Clean Water Act, as amended (33 U.S.C. 1151-1175), and the Clean Air Act, as amended (42 U.S.C. 7401 et seq.);

(3) Held a public review meeting to discuss the Mississippi program submission and its completeness in Granada, Mississippi, on September 18, 1979, and held a public hearing on the Mississippi program submission in Meridian, Mississippi, on December 20, 1979; and

(4) Found that the State of Mississippi does not have the legal authority necessary for the enforcement of the environmental protection standards of SMCRA and 30 CFR Chapter VII because of the lack of enacted regulations. The Mississippi program does provide for qualified personnel necessary for the enforcement of environmental protection standards of SMCRA and 30 CFR Chapter VII.

30 CFR 732.15 Findings

In accordance with 30 CFR 732.15, the Secretary finds the following Federal provisions in the proposed regulations are necessary for the enforcement of the Federal Clean Water Act as amended, and the Clean Air Act, as amended, in accordance with SMCRA Sections 517 for inspection and monitoring; Section 521 for enforcement; Section 522 for enforcement; Sections 815.13, 823, 828, 822 and 823 for enforcement; Sections 810, 815, 816, 818, 823 and 828, 822 and 823 for enforcement; Sections 22 and 29 of the Mississippi SCMRA. The provisions of 30 CFR Parts 840 and 843 of 30 CFR Chapter VII concerning inspection and enforcement are incorporated in the proposed Mississippi regulation Parts 240 and 243. The provisions for performance standards of Parts 810, 815, 816, 817, 818, 823, 828, 822 and 823 are incorporated in the proposed Mississippi regulation Parts 210, 215, 216, 217, 218, 219, 223, 226 and 227.

A. Neither the information contained in the Mississippi Systems Section under 30 CFR 731.14(g)(4) or 30 CFR 731.14(g)(6) regarding inspection and enforcement nor information elsewhere in the record provides a sufficient basis to make a finding for approval under 30 CFR 732.15(b)(1) relating to the applicable requirements of Subchapter K. The Systems Section for inspection and enforcement primarily refers back to the regulations without actually presenting a system. Information in the form of narrative, flow charts or other methods explaining how the provisions are to be carried out is one way that Mississippi might provide information necessary to allow the Secretary to make the required finding under 30 CFR 732.15(b)(1).

B. The word “minimum” has been omitted before “performance standards” in Mississippi regulation 210.1, causing it to be inconsistent with 30 CFR 815.1.

C. Mississippi regulation § 319.1 concerning required documents is inconsistent with 30 CFR 815.13 because it omits applicable Federal provisions stating that written permission for review shall be available to the Office (OSM).

D. There were no comments from the public, agencies or other Federal agencies regarding the Mississippi program.
requirement that the State regulatory agency provide information, as required.

D. Mississippi regulation § 185.13, concerning experimental practices mining, is inconsistent with 30 CFR 785.13 because all reference to approval or participation by the Director of OSM has been eliminated.

E. Mississippi regulation Subsection 185.17(b)(8) concerning prime farmlands is inconsistent with § 785.17(b)(8) of the Federal regulations because it omits a provision requiring consultation with Secretary of Agriculture.

F. Comments from the public, State agencies and other Federal agencies regarding Subchapter G follow:

(i) The Heritage Conservation and Recreation Service made several suggestions regarding the inclusion of provisions to assess potential historic or archeological resources which may be eligible for listing in the National Register of Historic Places and to restrict public dissemination of location maps on certain historic sites. These comments do not require changes in the proposed State regulations before they can be approved, because the Mississippi regulations currently correspond exactly to the wording in the Federal regulations, and, in the light of the recent Federal regulation suspensions (44 FR 67942), the Mississippi proposed regulations may be more stringent. Mississippi will be given ample opportunity to amend its program and adopt any appropriate additional requirements following promulgation of new Federal regulations to replace the suspended provisions on historic preservation.

(ii) The Bureau of Reclamation suggested that procedures be incorporated in the program for updating the application as various project features are developed. This suggestion is adequately handled under State regulation 188.12 (Permit Revisions) by describing how and under what circumstances permit revisions may be obtained.

(iii) The Bureau of Reclamation also made several suggestions regarding the wording of proposed State regulations 180.25 and 184.16 concerning the reclamation plan for ponds. These suggestions were not adopted because the State regulations are worded exactly as the Federal regulations.

(iv) The Environmental Protection Agency commented that proposed State regulation 185.13 concerning experimental practices omitted required references to the Director. The Secretary agrees (see paragraph D above).

3. The Secretary finds that the Mississippi DNR does not have the authority under enacted Mississippi regulations and the Mississippi program submission does not include the necessary provisions to regulate coal exploration consistent with 30 CFR Parts 776 and 815 nor to prohibit coal exploration to comply with those requirements. This finding is based on the fact that the necessary regulations have not been enacted, as well as the items A-C listed immediately below which includes omission of applicable Federal provisions in the proposed regulations and the lack of sufficient information in the program submission.

Requirements in accordance with SMCRA sections 512 concerning coal exploration, 515 concerning environmental protection performance standards and 518 concerning penalties are incorporated in the language of sections 17, 21, 22, 24, 25 and 28 of the Mississippi SCMRA. Mississippi also has incorporated provisions of 30 CFR Parts 776 and 815 of the Federal regulations concerning coal exploration and performance standards into proposed Parts 176 and 215 of the Mississippi regulations. These proposed parts when enacted will establish general requirements and performance standards for coal exploration operations.

A. Neither the information contained in the Mississippi systems section for regulating coal exploration, as required by Federal regulation 731.14(g)(1), nor any other information in the record, provides a sufficient basis to make a finding for approval under 30 CFR 732.15(b)(3) relating to coal exploration. Additional information is necessary regarding appropriate forms and methodology for the enforcement of exploration standards. Updated forms or provisions for their development would be useful, as well as narrative descriptions, flow charts or other mechanisms to demonstrate how the provisions will be met. Submission of this information is one way to allow the Secretary to make the findings required under 30 CFR 732.15(b)(3).

B. Mississippi regulation § 175.15 lacks specific references to State law corresponding to SMCRA section 518 concerning penalties or to appropriate State regulations (Parts 240, 243, and 245). These specific references should be included as well as the broader applicable * * * provisions * * * as required in order to be consistent with 30 CFR 776.15 of the Federal regulations concerning coal exploration compliance duties.

C. Mississippi regulation § 215.13 is inconsistent with 30 CFR 815.13 concerning required documents for coal exploration because it fails to state that written permission for review shall be available to the Office (OSM).

D. There were no comments from the public, State agencies or other Federal agencies regarding the provisions of the State equivalent of 30 CFR Parts 776 or 815.

4. The Secretary finds that the Mississippi DNR has the authority under State laws to require that persons extracting coal incidental to government-financed construction maintain information on site consistent with 30 CFR Part 707. However, information in the Mississippi program submission does not sufficiently describe how that authority will be enforced so as to provide a sufficient basis to make a finding for approval under 30 CFR 732.15(b)(4) relating to maintenance of information.

Provisions consistent with 30 CFR Part 707 concerning exemption for coal exploration incidental to Government-financed construction are incorporated in section 55 of the Mississippi SCMRA.

A. Information describing the method of enforcing the requirement to maintain information on site could be included in the description of program systems as one way to provide information necessary to allow the Secretary to make the required finding under 30 CFR 732.15(b)(4).

B. There were no comments from the public, State agencies or other Federal agencies regarding the State program equivalent of 30 CFR Part 707.

5. The Secretary finds that the Mississippi DNR does not have the authority under enacted Mississippi regulations and the Mississippi program submission does not include the necessary provisions to enter, inspect and monitor all coal exploration and surface coal mining and reclamation operations on non-Indian and non-Federal land within Mississippi consistent with requirements of Section 517 of SMCRA and 30 CFR Chapter VII, Subchapter L. This finding is based on the fact that the necessary regulations have not been enacted, as well as items A-I listed below which include omission of applicable Federal provisions in the proposed regulations and the lack of sufficient information in the program submission.

Mississippi has incorporated provisions in accordance with Section 517 of SMCRA, (Inspections and Monitoring), in Section 22 of the Mississippi SCMRA. Provisions of 30 CFR Part 840 concerning inspection and enforcement are incorporated in proposed Part 240 of the Mississippi regulations.

A. Neither the information contained in the Mississippi systems sections for
inspection and monitoring and enforcing under 30 CFR 731.14[g][4] and (5) nor other information in the record provides a sufficient basis to make a finding for approval under 30 CFR 732.15[b][5] relating to inspection and monitoring. These descriptions should explain how the systems are to be implemented and administered. Submission of this information is one way to provide a basis for the Secretary to make a finding under 30 CFR 732.15[b][5].

B. Mississippi regulation Part 240 concerning inspection and enforcement is inconsistent with Federal regulations because it does not require public participation in as many areas as 29 CFR Part 840. This deficiency could be remedied by adding an additional regulation.

C. Mississippi regulation Subsection 243.13(c) concerning suspension or revocation of permits is inconsistent with 30 CFR 843.13(c) because it omits a provision for filing show cause orders with the administrative hearing body and omits the requirement for posting notice.

D. Mississippi regulation Subsections 243.15(a) and (d) concerning informal public hearings are inconsistent with 30 CFR 845.15(a) because they omit provision for informal public hearing, to be held at the office closest to the mine.

E. Mississippi regulation Subsection 243.15(e) relating to informal public hearings is inconsistent with 30 CFR 843.15(e) because it omits the provision that the requirement for a formal adjudicatory hearing shall not apply.

F. Mississippi regulations have omitted provisions corresponding to 30 CFR 843.27; the "lack of information" provision of this subsection is necessary in order to be consistent with Federal regulations.

G. Mississippi regulation Subsection 245.18[b][1] and (b)[2] concerning assessment of separate violations is inconsistent with 30 CFR 845.18[b][1] and (b)[2] because it fails to make proper distinction between administrative review and judicial review.

H. Mississippi regulation Subsection 245.18[b][1] concerning procedures for assessment conferences is not consistent with 30 CFR 845.18[b][1] because it lacks the requirement that the assessment conference is not a formal adjudicatory hearing under the Mississippi DNIR equivalent provision of 5 U.S.C. 554.

I. Mississippi regulation Subsection 245.18[b][2] is not consistent with 30 CFR 845.18[b][2] because it does not state that notice will be posted at the DNR office closest to the mine.

J. Comments from the public, State agencies and other Federal agencies regarding Subchapter I follow:

(i) The Environmental Protection Agency noted that proposed State regulation 240.14 did not contain paragraphs similar to § 843.14[c] and (c) of the Federal regulations regarding the furnishing of records to OSM. The Secretary does not think that the Mississippi rules are deficient for omitting such language because the Federal regulations by themselves give OSM the authority to request documents without similar provisions in the State regulations.

(ii) The State has been advised to make a correction to proposed regulation 240.15 concerning public participation in inspection and enforcement by referencing 30 CFR Parts 842, 843, 845 and 43 CFR Part 4, Subpart L as suggested by the Environmental Protection Agency and required by 30 CFR 840.15.

(iii) The Environmental Protection Agency also suggested that 30 CFR 843.12[a][2], dealing with "other" Federal inspections, be included in the State regulations. The Secretary disagrees with this comment since Paragraph [a][2] specifies only the required Federal action.

6. The Secretary finds that the Mississippi DNIR does not have the authority under enacted Mississippi regulations pertaining to coal exploration and surface coal mining and reclamation operations, and that the State program does not include the necessary provision for administration, administer and enforce a system of performance bonds and liability insurance or other equivalent guarantees, consistent with the requirements of Subchapter J. This finding is based on the fact that the necessary regulations have not been enacted, as well as items A-D listed below regarding the proposed regulations and the lack of sufficient information in the program submission.

Mississippi has incorporated provisions in accordance with SMORA sections 507, 508, 510, and 519 concerning application requirements, performance bonds, permit approval or denial and release of performance bonds in Sections 12, 14, 15, and 27 of the Mississippi SCMA. The provisions of the Federal bonding and insurance requirements in Subchapter J of 30 CFR Chapter VII are incorporated in proposed Parts 200, 205, 206, 207, and 209 of the Mississippi regulations.

A. Neither the information contained in the systems section for 731.14[g][3] nor other information in the record provides a sufficient basis to make a finding for approval under 30 CFR 732.15[b][6] concerning bonding and insurance. More detail is necessary regarding methodology of determining and enforcement of a system of performance bonds and liability insurance. Additional information is needed in the form of narrative, flow charts or other means whereby the State explains how these provisions will be carried out.

Submission of this information is one way to provide a basis for the Secretary to make the required finding under 30 CFR 732.15[b][6].

B. 30 CFR 806.12[d] has been suspended as inconsistent with SMORA insofar as it grants an exemption from reclamation requirements for a long term intensive agricultural land use, which requirements are specified as those "of 30 CFR Part 810." The reference to Part 810 in proposed Mississippi regulation 245.13[c] should be changed to 216.111[a] for it to be consistent with SMORA and the suspended Federal regulation.

C. The following language of 30 CFR 806.12[c] has been suspended as inconsistent with SMORA: "with respect to protection of the hydrologic balance." This language should be deleted from proposed Mississippi regulation 206.12[c] in order for it to be consistent with SMORA and Federal regulations.

D. Mississippi regulation § 206.14[d] concerning terms and conditions for liability insurance is inconsistent with 30 CFR 806.14[d] in that it does not make clear what the "applicable State self-insurance requirements" are. If self-insurance is to be permitted, specific criteria should be formulated and included in the program.

E. The Department of Energy suggested that OSM consider the proposed amendments to the Federal regulations in reviewing the State regulations 200-209 on bonding and insurance. However, the Secretary's decision is based only on the regulations in place at the time of the decision, since the proposed rules may not be adopted in the form proposed. Once OSM's rules are amended, States will be afforded opportunities to amend their programs as appropriate.

7. The Secretary finds that the Mississippi DNIR does not have the authority under enacted Mississippi regulations pertaining to coal exploration and surface coal mining and reclamation operations, and that the
Mississippi program submission does not include the necessary provisions to provide for civil and criminal sanctions for violations of Mississippi law, regulations and conditions of permits and exploratory approvals, including civil and criminal penalties in accordance with Section 518 of SMCRA and consistent with 30 CFR Part 845, including the same or similar procedural requirements. This finding is based on the fact that the necessary regulations have not been enacted, as well as items A and B listed below.

Mississippi has incorporated applicable provisions in accordance with Section 518 of SMCRA (Penalties) in Sections 23 through 29 of the Mississippi SCMRA. In section 23(d) the Mississippi SCMRA has an additional sentence not found in Section 518(c) of SMCRA which requires the regulatory authority to forward money submitted for placement in a escrow account to the State Treasurer for investment. This sentence merely provides the State procedure for handling the escrow funds. Also, section 23(4) provides that a failure to pay a civil penalty shall result in a forfeiture of the bond to the extent of the amount of the penalty.

A. The information presently provided in Mississippi Systems § 731.14(g)(5) does not include any narrative descriptions, flow charts or other documents explaining how the State criminal and civil sanctions will be enforced. Until narrative descriptions, flow charts, or other explanatory documents are provided, the Secretary cannot approve the State enforcement scheme under 30 CFR 732.15(b)(7). An acceptable narrative description should include assurance that authorized representatives of the State will institute enforcement action for each violation of the Mississippi SCMRA. In light of the demand of § 732.15(b)(7) by the district court's decision In re Permanent Surface Mining Regulation on February 28, 1980, the State regulations and enforcement system need not contain a penalty point system similar to that set forth in 30 CFR 845.13. The State program need only incorporate the penalties and procedures of Section 518. If Mississippi decides, however, to retain in its revised program the point system set forth in Part 245.13 of the proposed Mississippi regulations, the Mississippi system could be approved, subject to further public comment and agency analysis, as a more stringent requirement so long as the revised program also contains the appropriate narrative documents or other descriptive materials concerning Mississippi's civil and criminal sanctions scheme.

B. Mississippi regulation Section 245.15(b)(2) concerning assessment of separate violations fails to make a proper distinction between administrative review and judicial review. Reference in Mississippi regulation 245.15(b)(2) should be to judicial review when the penalty is $100,000 or less, consistent with 30 CFR 845.15(b)(2). If penalty is $100,000 or more, the Department of Justice should be notified by the Mississippi Department of Natural Resources.

C. There were no comments from the public, State agencies, or other Federal agencies regarding the State equivalent of section 518 of Pub. L. 95-67 or 30 CFR 845.15(b)(2).

6. The Secretary finds that the Mississippi DNR does not have the authority under enacted Mississippi regulations pertaining to coal exploration and surface coal mining and reclamation operations, and that the Mississippi program submission does not include the necessary-provisions to issue, modify, terminate and enforce notices of violation, cessation orders and show cause orders in accordance with Section 521 of the Act and consistent with the requirements of Subchapter L, including the same or similar procedural requirements. This finding is based on the fact that the necessary regulations have not been enacted, as well as the lack of sufficient information in the program submission.

Mississippi has incorporated applicable provisions in accordance with section 521 of SMCRA (Enforcement) in section 29 of the Mississippi SCMRA. The applicable provisions of Subchapter L of 30 CFR Chapter VII are incorporated in proposed Parts 240 and 243 of the Mississippi Surface Coal Mining Regulations.

9. The Secretary finds that the Mississippi DNR does not have the authority under enacted Mississippi regulations pertaining to coal exploration and surface coal mining and reclamation operations, and that the State program does not include the necessary provisions to designate areas as unsuitable for surface coal mining consistent with Subchapter F. This finding is based on the fact that the necessary regulations have not been enacted as well as the lack of sufficient information in the program submission.

Section 30 of the Mississippi SCMRA concerning designation of areas as unsuitable for surface coal mining in accordance with section 522 of SMCRA. Section 30(4)(b) prohibits mining within the boundaries of any state park, forest, etc., and section 30(5) provides that those lands that have already been designated for surface mining pursuant to the existing Mississippi Surface Mining and Reclamation Law shall be deemed to be unsuitable for surface coal mining. Provisions contained in Subchapter F of 30 CFR Chapter VII are incorporated in Subchapter F of the proposed Mississippi regulations.

A. Neither the information contained in the systems section for designation of lands unsuitable as required under 30 CFR 731.14(g)(11) nor other information in the record provides sufficient basis to make a finding for approval under 30 CFR 732.15(b)(9) concerning designating lands unsuitable for surface coal mining. Information regarding procedures to be used in implementation should be included in the systems description.

B. The single comment regarding Subchapter F follows: The Heritage Conservation and Recreation Service made several suggestions regarding the inclusion of provisions to assess potential historic or archeological resources which may be eligible for listing in the National Register of Historic Places and to restrict public dissemination of location maps on certain historic sites. The Secretary does not agree that the Mississippi regulations are inadequate, because the proposed State regulations correspond exactly to the wording of the Federal regulations. In addition, the Federal regulations dealing with sites eligible for listing has been suspended, so that the Mississippi regulation may be more stringent than the Federal requirements.

10. The Secretary finds that the Mississippi DNR does not have the authority under enacted Mississippi regulations pertaining to coal exploration and surface coal mining and reclamation operations to provide for public participation in the State program consistent with the public participation requirements of SMCRA and the Secretary's regulations. This finding is based on the fact that the necessary regulations have not been enacted, as well as the items A and B listed below which include the omission of applicable Federal provisions in the proposed regulations.

The Secretary finds that the description under the system for 30 CFR 731.14(g)(14) in the State program includes provisions to provide for public participation in the development and revision of State regulations and the State program, consistent with the public participation requirements of SMCRA and the Secretary's regulations. The Mississippi DNR has actively solicited public participation during development of the State program and under the State Administrative Procedures Law the Mississippi Commission on Natural Resources must
provide yet another opportunity for public review and comment before final consideration of necessary regulations. The Mississippi statute requires State program public participation in accordance with SMCRA. It is included for revision and enforcement of regulations and in the administration of the regulatory program.

The Mississippi Act also contains a citizen suit provision, section 28, that is in accordance with section 520 of SMCRA.

A. Mississippi regulation Subsection 243.13(c) is inconsistent with 30 CFR 843.13(c) because it omits the applicable Federal provision for filing with the administrative hearing body, providing for written notice by publication, and posting notice.

B. Mississippi regulations Subsections 243.15 (a) and (d) and 243.18(b)(2) are inconsistent with 30 CFR 843.15 (a) and (d) and 843.18(b)(2) relating to conferences and hearings because they omit the applicable Federal provisions that such meetings be held at the office at or reasonably close to the mine site.

C. No comments were received relating to public participation.

11. The Secretary finds that the Mississippi DNR does not have the authority under enacted State regulations pertaining to coal exploration and surface coal mining and reclamation operations and that the State program does not include the necessary provisions to monitor, review and enforce the prohibition against indirect or direct financial interest in coal mining operations, by employees of the Mississippi DNR performing any function or duty under the Act. This finding is based on the fact that the necessary regulations have not been enacted, as well as the lack of sufficient information in the program submission.

Provisions in accordance with SMCRA Section 517(g) concerning conflict of interest are incorporated in Section 10 of the Mississippi Surface Coal Mining and Reclamation Act. The State equivalent of 30 CFR Part 705 is omitted from the proposed regulations. Regulations consistent with 30 CFR Part 705 should be added to the program.

A. Information should be submitted describing the proposed system for monitoring, reviewing and enforcing restrictions against direct and indirect financial interests in order to provide a sufficient basis to make a finding under 30 CFR 732.15(b)(11) concerning conflict of interest.

B. The Department of Energy and the Bureau of Mines correctly pointed out that Mississippi’s proposed regulations omitted the required conflict of interest provisions. Appropriate regulations consistent with 30 CFR Part 705 should be enacted and included in the program.

12. The Secretary finds that the Mississippi DNR has authority under State laws to require training, examination and certification of persons engaged in or responsible for blasting and the use of explosives in accordance with Section 719 of SMCRA. However, information in the program submission and otherwise available does not provide a sufficient basis to make a finding for approval under 30 CFR 732.15(b)(12), concerning blaster’s certification and training. Because the Secretary has no final regulations for this matter and because Mississippi has no present surface coal mining and expects none for 3–5 years, Mississippi is not required to enact regulations on this subject until the Secretary issues his final regulations for training, examination and certification of persons engaged in or responsible for blasting and the use of explosives.

A. Information detailing the intention of the State regulatory authority to develop a system and enact regulations within six months of the date that the Secretary issues final blaster certification regulations may be submitted by Mississippi under 30 CFR 731.14(g)(13). Submission of this information is one way to allow the Secretary to make the findings under 30 CFR 732.15(b)(12).

B. The Department of Energy made reference to the possibility that the proposed State regulations on training and certifying blasters may require changing when the Federal Regulations are finalized. The Secretary refers the commenter to the discussion above.

13. The Secretary finds that the Mississippi DNR does not have the authority under enacted Mississippi regulations pertaining to coal exploration and surface coal mining and reclamation operations and that the Mississippi program submission does not include the necessary provisions to provide for small operator assistance consistent with Part 795. This finding is based on the fact that the necessary regulations have not been enacted, as well as the items A–C listed below which consist of inconsistencies and omission of application Federal provisions in the proposed regulations and the lack of sufficient information in the program submission.

Mississippi has incorporated applicable provisions in accordance with SMCRA section 507(c) concerning small operator assistance in section 12(4) of the Mississippi SCMA. The provisions of 30 CFR Part 795 are incorporated in proposed Section 195 of the proposed Mississippi regulations.

The Mississippi SCMA obligates the State to carry out the provisions of a small operator assistance program consistent with section 507(c) of SMCRA.

A. Information contained in the system description of the small operator assistance program under 30 CFR 731.14(g)(10) does not provide sufficient basis to make a finding for approval under 30 CFR 732.15(b)(13). This system description does not contain sufficient information with regard to methodology. Mississippi predicts that it will not have small operators and does not plan budget or personnel in this area. In this regard the Secretary could find the program acceptable under 30 CFR 732.15(b)(13) should Mississippi either include information in the system description or state that a system for implementation of a small operator assistance program would be proposed under 30 CFR 732.17 for State program amendments prior to the need of assistance by small operators.

B. Mississippi regulation Subsection 195.12 is inconsistent with section 507(c) of SMCRA which requires that the cost of the preparation of the eligible determination of probable hydrologic consequences and statement of the results of test borings or core samplings shall be assumed by the regulatory authority. Mississippi regulation Subsection 195.12 should be revised to conform with SMCRA.

C. The Mississippi regulations are inconsistent with 30 CFR Part 751 concerning small operator assistance because they do not contain language consistent with applicable Federal provision 30 CFR 751.4 relating to small operator assistance responsibilities.

14. The Mississippi SCMA Section 35 adequately provides for the protection of State employees of the DNR in accordance with protection afforded Federal employees under Section 704 of SMCRA.

15. The Secretary finds that the Mississippi DNR does not have the authority under enacted Mississippi regulations pertaining to coal exploration and surface coal mining and reclamation operations to provide for administrative review of State program actions in accordance with Section 525 of SMCRA and Subchapter L of 30 CFR Chapter VII. This finding is based on the fact that the necessary regulations have not been fully enacted, as well as the inconsistencies listed below and in items C–F listed under (b)(5) pursuant to findings for 30 CFR 732.15(b)(5). Mississippi has incorporated provisions for administrative and judicial review in accordance with sections 525 and 525(e) of SMCRA in
sections 33 and 34 of the Mississippi SCMRA. Information under § 731.14(g)(15) of the program description contains adequate description of the proposed system for administrative and judicial review of State program actions.

Mississippi regulation § 243.15 is inconsistent with applicable Federal provision 30 CFR 645.15 because it does not make a distinction between administrative review and judicial review similar to the distinction made in the Federal regulation.

10. The Secretary finds that the Mississippi DNR does not have the authority under enacted Mississippi regulations pertaining to coal exploration and surface coal mining and reclamation operations to cooperate and coordinate with and provide documents and other information to the Office of Surface Mining under the provisions of 30 CFR Chapter VII. This finding is based on the fact that the necessary regulations have not been enacted, as well as the items A and B listed below which include omission of applicable Federal provisions in the proposed regulations.

The Secretary finds that the State program includes provisions to cooperate and coordinate with and provide documents and other information to the Office of Surface Mining under provisions of 30 CFR Chapter VII.

A. Mississippi regulation Section 185.13 concerning experimental practices is inconsistent with 30 CFR 765.13 of the Federal regulations because it omits the applicable Federal provision referencing approval or participation by the Director of OSM.

B. Mississippi regulation Section 164.19 concerning procedures for a decision on designations of unsuitability is inconsistent with 30 CFR 763.19 because it omits the applicable Federal provision for sending a copy of the decision to the Regional Director of OSM.

The Environmental Protection Agency pointed out that the Mississippi regulation Section 240.14 did not contain paragraphs similar to (a) and (c) of 30 CFR 540.18 of the Federal regulations regarding the furnishing of records to OSM. The Secretary believes that no addition is necessary because the Federal regulations by themselves give OSM the authority to request documents without similar provisions in the State regulations.

C. The Mississippi Surface Coal Mining and Reclamation Act and the Mississippi Administrative Procedures Law, with which the Mississippi DRN's regulations and procedures must

comply, and the law creating the Mississippi DNR do not contain provisions which would interfere with or preclude implementation of the provisions of SMCRA and 30 CFR Chapter VII. Accordingly there are no Mississippi laws inconsistent with SMCRA which must be set aside.

Because the necessary regulations have not been fully enacted the Secretary has not been able to take a finding for approval under 30 CFR 832.15(c) with regard to the regulations.

(d) At present, there is no coal mining in Mississippi and none is expected until about 1985. The Regulatory Authority is the Mississippi DNR. There are adequate legal, administrative and technical personnel available and committed to program development and eventual implementation in preparation for regulating the single large coal mining operation that is anticipated.

Expansion plans will go into effect some time prior to submission of the first permit application and further expansion will continue through the beginning of the first actual coal ( lignite) mining operation. These expansion plans include adequate legal, technical and administrative personnel and the present and anticipated funding level is adequate to implement, administer and enforce the provisions of the program, the requirements of the proposed regulations and other applicable State and Federal laws.

Disposition of Other Public Comments

1. The comments received on each substantive portion of the Mississippi program relating to the Findings under 30 CFR 732.15 have been discussed in connection with the corresponding findings on each program section. Other public comments received which relate to other areas of the submission were discussed in detail. All comments received during the public comment periods were considered in the Secretary's evaluation of the Mississippi program as indicated.

2. The Environmental Protection Agency suggested that the DRN enter into an agreement with the Mississippi Bureau of Pollution Control regarding the National Pollutant Discharge Elimination System (NPDES) permitting. Although the State Program Section 731.14(g)(9) does not discuss the coordination between the two agencies in detail, it is sufficient for the number of permit actions anticipated in the next few years. In addition, the MOU between the Environmental Protection Agency (EPA) and OSM is expected to result in additional regulations regarding NPDES and it is logical for the Regulatory Authority to delay the negotiation of specific agreements on NPDES until the EPA-OSM agreement and resulting regulations are finalized.

3. The Heritage Conservation and Recreation Service suggested that a more complete description of the Mississippi DNR's proposed consultation with the Mississippi Department of Archives and History (SHPO) be included in the State program along with provisions and staffing to maintain an inventory system for historic lands. The Secretary agrees with this comment, in part. A combination of State program § 731.14(g)(1) and 731.14(g)(9) adequately address consultation on permitting, but the consultation under 731.14(g)(11) is inadequate regarding the designation of lands unsuitable for mining. More information on how the DNR intends to maintain a data system regarding lands unsuitable has been requested. However, it should be noted that Mississippi has not eliminated the possibility that a specific element of the data base, such as the historic site inventory, may be maintained by another agency and used by the DNR.

4. The Fish and Wildlife Service suggested that the original program submission was lacking in the narrative description in Program § 731.14(g)(10) of the proposed system for consulting with State and Federal fish and wildlife agencies. The Secretary agrees with this comment and modifications received November 14, 1979, from Mississippi, contained on adequate narrative.

5. The Fish and Wildlife Service also suggested that the State's permit application form did not give adequate space for fish and wildlife information. The Secretary agrees with this comment and suggestions for improvements on the form in this and other areas were forwarded to the Mississippi DNR on November 29, 1979.

6. The U.S. Army Corps of Engineers commented that the Mississippi program was deficient to some extent in compliance with 30 CFR 816.93, concerning coal processing wastes used in the construction of dams and embankments. This appears to be a misinterpretation of the Mississippi program. The Secretary disagrees with this comment since section 20 (2) of the Mississippi Act is in accordance with SMCRA and proposed rule 210.93 is worded exactly as corresponding 30 CFR 816.93.

7. The Mississippi Chapter of the Sierra Club suggested that the definition of prime farmland in the State proposed regulation 10.15 be revised to eliminate the phrase "historically used for cropland." The Secretary disagrees with this comment since Mississippi's
proposed definition is worded exactly as the OSM regulations and these are based on the specific wording in SMCRA.

Approval in Part/Disapproval in Part

The Mississippi Program is approved in part/disapproved in part. As indicated above, under the Secretary's findings, certain of the program parts meet the criteria for State program approval in 30 CFR 732.15 and certain of the program parts do not meet the criteria. Partial approval means that Mississippi may revise and resubmit the disapproved portions of the program within 60 days of the effective date of this decision. The resubmission will then be reviewed and approved or disapproved under procedures in 30 CFR Part 732. Until the entire program is approved, however, the State will not assume primary jurisdiction to implement and enforce the permanent program under SMCRA.

The following program parts are approved: (a) The Mississippi Surface Coal Mining and Reclamation Act (enacted April 13, 1979).


(c) The Program plans for the State regulatory authority to have sufficient, qualified administrative, legal and technical personnel and sufficient funding for the regulation of surface coal mining and reclamation operations, and enforcement of the environmental protection standards.

The following program parts are disapproved: (a) The proposed rules and regulations contained in the Mississippi program submission.

(b) The program provisions to:
   (1) Coordinate the review and issuance of permits for surface coal mining and reclamation operations with any other Federal or State permit process applicable to the proposed operations,
   (2) Implement, administer and enforce all applicable performance standards,
   (3) Implement, administer and enforce a permit system and prohibit surface coal mining and reclamation operations without a permit issued by the regulatory authority,
   (4) Regulate coal exploration and prevent coal exploration that does not comply,
   (5) Require that persons extracting coal incidental to government financed construction maintain information on site,
   (6) Enter, inspect and monitor all coal exploration and surface coal mining and reclamation operations,
   (7) Implement, administer and enforce a system of performance bonds and liability insurance, or other equivalent guarantee,
   (8) Provide for civil and criminal sanctions for violations of State law, regulations and conditions of permits and exploration approvals including civil and criminal penalties,
   (9) Issue, modify, terminate and enforce orders of violations, cessation orders and show cause orders,
   (10) Designate areas as unsuitable for surface coal mining,
   (11) Provide for public participation in the development, revision and enforcement of State regulations and the State program,
   (12) Monitor, review and enforce the prohibition against indirect or direct financial interests in coal mining operations, by employees of the State regulatory authority,
   (13) Require the training, examination and certification of persons engaged in, or responsible for blasting and the use of explosives,
   (14) Provide for small operator assistance,
   (15) Provide for administrative review of State program actions,
   (16) Cooperate and coordinate with and provide documents and other information to the Office.

Effect of this Action

Mississippi is not now eligible to assume primary jurisdiction to implement the permanent program. Mississippi may submit additions or revisions to its proposed program to correct those parts of the program being disapproved within 60 days from the date of the decision. No additional laws or descriptions of regulatory program funding and personnel are necessary. Approvable regulations, which must be in effect before the Secretary's final decision, are required. Also, additional information is needed as identified in the Secretary's findings, to supplement the narrative descriptions of certain program systems as required by 30 CFR 731.14(g).

If no revised submission is made within 60 days, the Secretary will take the appropriate steps to promulgate and implement a Federal program for the State of Mississippi. If the disapproved portions of the State regulatory program are revised and resubmitted within the 60 day time limit, the Secretary will have an additional 60 days to review the revised program, solicit comments from the public, the Administrator of the Environmental Protection Agency, the Secretary of Agriculture and the heads of other Federal agencies and to approve, disapprove, or conditionally approve the final Mississippi program submission.

This approval in part/disapproval in part relates at this time only to the permanent regulatory program under Title V of SMCRA. The partial approval does not constitute approval or disapproval of any provisions related to implementation of Title IV of SMCRA, the abandoned mine lands reclamation program. In accordance with 30 CFR Part 884 (State Reclamation Plans), Mississippi may submit a State AML reclamation plan at any time. Final approval of an AML plan, however, cannot be given by the Director of OSM until the State has an approved permanent regulatory program.

There are no coal bearing Indian lands in Mississippi. In addition, no coal development is anticipated on Federal lands in the State. In the event that surface mining and reclamation operations on Federal lands are proposed, however, the initial Federal lands program will be governed by regulations in 30 CFR Part 211. When a State regulatory program is approved, the Federal lands program, if one is necessary, will be governed by 30 CFR Part 740.

The Secretary intends not to promulgate rules in 30 CFR Part 924 until the Mississippi program has been either finally approved or disapproved following opportunity for resubmission.

Additional Findings

The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292[d], no Environmental Impact Statement will be prepared on this partial approval/partial disapproval.

The Secretary has determined that this document is not a significant rule under E.O. 12044 or 43 CFR Part 14, and no regulatory analysis is being prepared on this approval in part/disapproval in part.

Dated: March 10, 1980.
Cecil D. Andrus,
Secretary of the Interior,
[FR Doc. 80-8227; 45 FR 4845 etc.]
BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY
40 CFR Part 52
[FRL 1443-3]

Proposed Rulemaking on Conditional Approval of Texas State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: Elsewhere in today's Federal Register EPA is conditionally approving
the Texas plan where there are deficiencies and the State has provided assurances that it will submit corrections. This notice solicits comments on the deadlines specified in this notice. This conditional approval will mean that Section 176, Section 316 of the Clean Air Act, and new source growth sanctions will not apply unless the State fails to submit the necessary SIP revisions by the scheduled dates, or unless the revisions are not approved by EPA.

DATES: Comments must be received on or before April 24, 1980.

ADDRESSES: Comments should be directed to: Environmental Protection Agency, Region 6, Air and Hazardous Materials Division, Air Program Branch, 1201 Elm Street, Dallas, Texas 75270, Attn: Jerry Stubberfield.

Copies of the State's submittal are available for inspection during normal business hours at the address above and at the following locations:

Environmental Protection Agency, Public Information Unit, Room 2922, EPA Library, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Jerry M. Stubberfield, Chief Implementation Plan Section, Environmental Protection Agency, Region 6, Air and Hazardous Materials Division, Air Program Branch, 1201 Elm Street, Dallas, Texas 75270, (214) 767-2742.

SUPPLEMENTARY INFORMATION: The deficiencies discussed elsewhere in today's Federal Register and the time schedule in which the State must correct them are:

1. Regulation V, Control of Air Pollution from Volatile Organic Compounds—The State must revise portions of this regulation, and submit the revised regulation by August 1, 1980.

2. TSP Control Strategy and Regulation I—The State must submit complete control strategies and revisions to Regulation I for for San Benito, Brownsville, Corpus Christi 1, Corpus Christi 2, Dallas 1, Dallas 3, and El Paso by August 1, 1980. In the interim, they must meet the following schedule: March 3, 1980—Draft SIP developed; May 8, 1980—Public hearing completed, August 1, 1980—Adopt revision; and revised Regulation 1, and submit to EPA.

3. Regulation VI, Control of Air Pollution by Permit for New Construction or Modification—The State must revise portions of this regulation, and submit the revised regulation by August 1, 1980.

This notice of proposed rulemaking is issued under authority of Section 110 of the Clean Air Act as amended.

Dated: March 17, 1980.

Adlens Harrison, Regional Administrator.

[FR Doc. 80-9095 Filed 3-24-80; 8:45 am] BILLING CODE 6560-01-M

40 CFR Part 52

[FR 1444-7]

Approval and Promulgation of Implementation Plans; Alabama: Proposed Revision of Emergency Episode Plan and Oxidant Alert Level Implementation Plan Section, Jerry M. Stubberfield, Chief Implementation Plan Section, Environmental Protection Agency, Region 6, Air and Hazardous Materials Division, Air Program Branch, 1201 Elm Street, Dallas, Texas 75270, (214) 767-2742.

SUMMARY: EPA today proposes to approve changes in the Alabama State Implementation Plan (SIP) which will (1) update the emergency episode procedures, and (2) raise the level of the Alert Stage in the emergency episode procedures to 0.15 ppm for ozone, to be consistent with the revised National Ambient Air Quality Standard of 0.12 ppm.

DATES: To be considered, comments must be submitted on or before April 24, 1980.

ADDRESSES: The Alabama submittal may be examined during normal business hours at the following EPA offices:


Library, Environmental Protection Agency, Region IV, 345 Courtland Street NE., Atlanta, Georgia 30308.

In addition, the Alabama revisions may be examined at the offices of the Division of Air Pollution Control, Alabama Air Pollution Control Commission, 645 South McDonough Street, Montgomery, Alabama 36104. Comments should be addressed to Mr. Roger Pfaff, EPA Region IV Air Programs Branch, 345 Courtland Street, NE., Atlanta, Georgia 30308.

FOR FURTHER INFORMATION CONTACT: Mr. Roger Pfaff, EPA Region IV Air Programs Branch, EPA Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30308, 404/881-3265 or FTS 257-3265.

SUPPLEMENTARY INFORMATION: On August 23, 1979, EPA asked the State of Alabama to update its emergency episode procedures to reflect changes in monitoring methods, persons to be contacted, likely episode locations, and accidental spill guidelines. On January 11, 1980, the State submitted the final version of the plan revision complying with EPA's request.

In addition, the proposed changes raise the alert level of ozone episodes from 0.1 ppm to 0.15 ppm, a fifty percent increase. The reason for the increase is a corresponding increase in the National Ambient Air Quality Standard, promulgated by EPA on February 8, 1979 (44 FR 8229).

Proposed Action: Based on the above information, EPA is proposing to approve the changes to the Alabama plan as being consistent with requirements of the Clean Air Act and Federal regulations promulgated thereunder.

Dated: March 17, 1980.

John A. Little, Acting Regional Administrator.

[FR Doc. 80-9095 Filed 3-24-80; 8:45 am] BILLING CODE 6560-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 61

[FR Doc. 21005; FCC 79-844]

Interface of the International Telex Service With the Domestic Telex and TXW Services

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: Elsewhere in Today's issue of the Federal Register, the FCC promulgates an Order which deals with several aspects of the international telex networks and domestic telex and TXW services. While the Order continues the present practice of requiring the carriers to tariff their offering of terminal equipment, the Commission wants to explore whether the public interest would be served by requiring the detariffing of telex terminal equipment. This document requests public comment on this issue.

DATES: Comments on the proposal to detariff telex terminal equipment are due April 30, 1980. Reply comments are due May 30, 1980.


SUPPLEMENTARY INFORMATION: The Federal Communications Commission voted on December 12, 1979, to require all common carriers engaged in the
provision of international telex service to interconnect upon demand with one another and with domestic telex and teleprinter exchange (TWX) networks for the purpose of providing international record service.

(Telex is a customer-to-customer switched service using telegraph-grade connecting facilities and characterized by one-way, or conversational communications capability. TWX is a customer switched record service similar to tele but which uses different transmission circuits and which differs in engineering details such as speed of transmission and the pulse code used.)

It ordered that all pending tariffs filed for international telex service unbundled rates contain separately cost-based rate categories, i.e., terminals, tielines and transmissions.

The Commission also instituted a further rulemaking to resolve the question of whether the public interest would be served by deregulation of carrier provision of telex terminal equipment.

There are two important consumer benefits from International Record Carrier (IRC) interconnection, the Commission said. Such interconnection provides additional consumer choice options for international telex and public message service without the necessity and possible added expense of subscription to the Western Union Telegraph Company's telex/TWX service or to more than one IRC. This is likely to result in a more efficient use of access lines, and permitting the IRCs—ITT World Communications Inc., RCA Global Communications, Inc., Western Union International, Inc., French Telecom—additional domestic points of operation as authorized today in Docket 10660 provide an environment conducive to enhance competition on the domestic and overseas portion of international telex traffic. It said that to the extent that enhanced competition develops, the consumer is likely to be served through more efficient service and lower rates.

The Commission said it did not see a great difference operationally under interconnection from the current arrangements. IRC subscribers are now connected to the switch of a particular IRC and this option will continue to be available under interconnection. The customer will also retain his fundamental subscriber relation to the carrier. (Subscribers of Western Union Telegraph Company will be able to access all the IRCs for international record service in the same manner as they enjoy at present.)

Concerning interconnection with the domestic telex and TWX networks, the Commission said, since it had opened entry into the domestic public message market, and since Western Union and the IRCs are interconnected at this time for providing joint-through service for international traffic, to the extent that this arrangement might work an unfair advantage to Western Union all other domestic carriers providing telex and TWX type services should be afforded this same type of interconnection if they so request.

In deciding to require the unbundling of international telex rates, the Commission said it did not find that departure from the unified rates structure would prevent competition among the IRCs. It said its purpose was not to protect the market positions of carriers but to assure the welfare of consumers and guarantee that costs for telex service are borne by the appropriate users.

It said the unbundling tariffs must specify charges separately for terminals, tielines and transmission. The meaning of "terminal equipment" or "customer terminal equipment" is clear in this context in current IRC tariffs. "Network access" or "tielines" refer generally to the physical connections to link terminal equipment on a customer's premises to a carrier's central office. Transmission charges are those to recover the costs for common portions of the network, switching, integrating connections, payouts to foreign and domestic connecting carriers and other similar items.

The Commission said it is not trying to make a rigid analysis of what items are included in each category but to effect a logical distinction between what pertains to terminal connections where there will be full competition and what is logically common carriage. If a carrier requests interconnection, the FCC noted, it will be necessary to arrange a suitable division of tolls for jointly handled traffic. The matter will be left to the carriers under the system of carrier-initiative tariffs under the Communications Act.

Although it is continuing the requirement of having IRCs provide terminal equipment by tariff, the Commission questioned the need of regulating this equipment market, particularly in light of the unbundling order. The Commission therefore wants comment on whether the provision of terminal equipment in the international telex market should be deregulated.

The present constitutes notice of the Commission's proposal to consider adoption of a new policy governing the basis on which the international record carriers offer international telex service and the terminal equipment used in connection with that service. The full text of the Commission's action is published in the rules section of this issue of the Federal Register. Those desiring more information concerning the nature of the Commission's action or those intending to file comments on the question of the tariffing of international telex terminal equipment should refer to the referenced text.

Comments are due by April 30, 1980, and replies by May 30, 1980.

Action by the Commission December 12, 1979 by Report, Order and Further Notice of Proposed Rulemaking (FCC 79-844). Commissioners Ferris (Chairman), Lee, Quello, Washburn, Fogarty, Brown, Jones, with Chairman Ferris issuing a separate statement.

Federal Communications Commission.

William J. Tricario,
Secretary.

[FR Doc. 80-4257 Filed 3-21-80; 8:45 am]
BILLING CODE 6712-01-M
INTERSTATE COMMERCE COMMISSION

49 CFR Part 1041
[Ex Parte No. MC-136]

Direct Routes for Regular Route Movements

March 17, 1980.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission proposes to adopt a temporary rule of construction which would for 180 days permit regular-route motor carriers of property to operate vehicles over the most direct routes between terminal points on their systems. If the rule is adopted, the Commission will consider making the rule permanent. The Commission is seeking comments on the desirability of adopting the rule on a permanent basis.

The rulemaking is in response to the current shortage of diesel fuel supplies in the United States. We believe that adoption of this proposal would reduce the amount of fuel consumed by regular-route motor carriers of property.

DATES: Written comments are due on or before April 18, 1980.

ADDRESS: Send an original and 15 copies, if possible, of any comments to: Ex Parte No. MC-136, Room 2163, Office of Proceedings, Interstate Commerce Commission, Washington, DC 20423.

PROPOSED EFFECTIVE DATE: Upon publication of final rule in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Donald J. Shav, Jr. (202) 275-7292.

SUPPLEMENTARY INFORMATION: A fuel energy crisis exists within the United States. We believe that it is in the national interest for the Commission to adopt measures designed to achieve fuel conservation. Otherwise, shortages in fuel supplies and the increases in the price of diesel fuel could cause serious disruptions in service to those shippers dependent on motor carrier transportation.

The adequacy of supply available to users of middle distillates for heating, for diesel truck supplies, and other uses continues to be tenuous and appears likely to worsen as trucking operations grow. Limited opportunity exists to shift refining capacity to increase total diesel supply. Recent events have heightened the national concern regarding the limitations in supply. The President has made the need to reduce consumption an urgent national mandate.

Immediate action is required to assure that adequate transportation services in the regular-route property motor carrier industry are maintained and that maximum fuel efficiencies are achieved. To this end, we are here determining whether there is a need to permit, on a temporary or permanent basis, all motor carriers authorized to transport property over regular service routes to move vehicles between terminal points on their systems over the most direct practical highway routing available to them.

Proposed Rule

We are proposing to adopt the following temporary rule as a subpart to 49 CFR 1041:

Subpart 1041. Operating Authority Over Direct Routes for Regular-Route Carriers.

"All certificates of public convenience and necessity authorizing the transportation of property over a regular service route or routes shall be construed as permitting the movement of vehicles between terminal points over the most direct highway routing available. This rule shall be in effect until (180 days from the date of publication in the Federal Register)."

This temporary rule of construction would be in addition to the provisions for regular-route carriers to traverse shorter routes by taking advantage of the Commission's Superhighway and Deviation rules (49 CFR 1042.3) or by filing a specific alternate-route application (49 CFR 1032.4). The proposed rule does not permit intermediate point service nor would it in any manner alter a carrier's obligation to provide reasonable and adequate service over its specifically authorized service route or routes.

Background of Proposal

Today's energy situation is one with which our Nation will have to cope for the foreseeable future. Alternate sources, fuels, or consumption mechanisms may take years of development. While such activity is being directed toward ultimate solutions, it behooves us to implement every possible plan to conserve current energy supplies. Availability and cost have both become critical considerations.

This proposal attempts to provide regular-route motor carriers with a more economical and fuel efficient manner in which to move traffic. Carriers will still be required to serve the points designated in their regular-route certificates.

There is no method for determining the total amount of circuitry which might be eliminated through adoption of this proposal; all regular-route carriers would have some potential for savings. In the Jones Motor case, Docket No. MC-4985—R-13, decided October 10, 1979, the Commission authorized operation over a deviation route which the applicant indicated would result in a savings of 49,073 gallons per year. By an informal letter, Pilot Freight Carriers has furnished information which projects an annual savings of 126,519 gallons of fuel should they be allowed to operate over the most direct routes in just two areas of their operation (between western New York and Virginia, and between Springfield, MA, and their other terminal points). These two carriers are not necessarily representative of all operations, yet they are indicative of potentials.

Commission figures indicate that as of September 30, 1978 there were 1,045 class-I property carriers and 2,929 class-II property carriers subject to annual reporting. The June 1985, Profile of Motor Carriers of Property Industry Subject to ICC Regulation study...
Indicated that 35 percent of all grants were regular route. Assuming this ratio still exists, we project 1,990 regular route class-I and class-II current operations. An average annual savings of only 5,000 gallons for each carrier would equate to 8.95 million total gallons, which could conceivably be a conservative estimate of energy savings under this proposal.

While we are convinced that the adoption of this rule would result in major fuel savings, we cannot predict the extent to which carriers will take advantage of it, or the impact which elimination of circuitry might have on regular-route carrier services. This is a situation in which we see a few months of experience as being worth a year of hearings—and worth many pages of speculative analysis. We expect to learn from this experience, and will solicit information concerning the carriers' operations under it. We are prepared to revise any rule finally adopted should its application prove, unexpectedly, deleterious to the broader public interest.

Procedural Matters

It is imperative that comments be filed within 30 days. The adequacy of supply available for users of middle distillates for heating, diesel fuel, and other uses is at present tenuous. The demand for heating oil, which will rise sharply in the coming months could adversely affect the supply of diesel fuel. Because of the urgent need for fuel conservation, which the proposed rule is designed to achieve, it would be impractical and contrary to the public interest to provide for a longer comment period. Consequently, an extension of the due date will be granted only for extraordinary reasons.

We would, however, consider extending the comment period to obtain additional views on the desirability of making this change permanent.

The Commission intends to reach a decision on this matter within a short period of time after the comments have been received. If a final 130-day rule is adopted, we propose that it be made effective upon publication in the Federal Register. As noted above, the purpose of the proposed rule is to achieve fuel conservation. If there were a delay in the effective date of the rule, affected carriers would be unable to take full advantage of this proposed fuel conservation measure when it is most needed. Therefore, if a 130-day final rule is adopted, we believe that there would be good cause to make it effective upon its publication. See 5 U.S.C. 553(2)(3).

Under 49 U.S.C. 10321, this Commission is empowered to administer, execute, and enforce all provisions of the Interstate Commerce Act, to make all necessary orders, and to prescribe rules, regulations, and procedures for such administration. In turn, 49 U.S.C. 11101(b) empowers the Commission to prescribe requirements for continuous and adequate transportation service by motor common carriers. While ordinarily the Commission performs its functions on a case-by-case basis, we perceive the appropriate exercise of our rulemaking authority as a vital means of efficiently carrying out the statutory mandate.

The United States Supreme Court has recognized the propriety of rulemaking by a regulatory agency charged with licensing duties as a necessary alternative to the case-by-case adjudication method where the litigation of certain issues would only be time-wasteful and where the comprehensive treatment of these issues through the rulemaking process may be required to afford expeditious, effective relief in the public interest.1 This Commission has in the past through rulemaking, made a general finding of public convenience and necessity on a nationwide basis to address a specific problem or inequitable situation.2 In view of the immediacy of the fuel crisis, we believe that rulemaking presents the only viable approach for achieving significant fuel conservation.

We do not foresee that the proposed rule will have an adverse effect on the quality of the human environment. This is, however, a major regulatory action under the Energy Policy and Conservation Act of 1975. Affected carriers will be able to improve their operating efficiencies, which will lead to substantial energy savings. Due to the exigent circumstances under which we are proposing this temporary rule, however, it is extremely difficult to quantify the potential energy savings at this time beyond the data and assumptions already set forth in this decision. The data now available indicate that the rules will have no adverse energy impact and can be expected to produce substantial fuel savings. Statements filed on the proposed temporary rule should specifically comment on the energy policy and conservation issue. A more detailed energy analysis will be issued subsequently.


If the proposed 180-day rule is adopted, the Commission will study carefully the effects of its implementation to determine whether to make the rule permanent. Parties should submit comments, however, on the desirability of making the rule permanent.

Written materials submitted will be available for public inspection at the offices of the Interstate Commerce Commission, 12th and Constitution Avenue, N.W., Washington, D.C., during regular business hours.

This document is promulgated under the authority contained in 49 U.S.C. 70921, 10022, and 11101, and 5 U.S.C. 553.

Dated: March 11, 1980

By the Commission, Chairman Gaskins, Vice Chairman Gresham, and Commissioners Stafford, Clapp, Trantum and Alexis. Vice Chairman Gresham concurring in part with a separate expession and Commissioner Clapp concurring with a separate expression.

James H. Bayne,
Acting Secretary.

VICE CHAIRMAN GRESHAM, concurring in part:

Similar proposals have been considered and rejected by the Commission under the present statute on at least five occasions in the past twenty years. See Motor Common Carriers of Property-Routes and Service, 68 M.C.C. 415 (1963); Motor Service on Interstate Highways-Passengers, 107 M.C.C. 95, 116-17, 121 (1968); Regulations Governing Hazardous Materials, 111 M.C.C. 575 (1970); Gateway Elimination, 119 M.C.C. 530, 518 (1974); and Enlargement of Operational Circuitry Reduction, 121 M.C.C. 665, 705, 706, 1975). I would urge the parties to address this background, which may put today's action on a different posture from its energy-related companion proposals, Ex Parte Nos. MC-331 and MC-332.

I have agreed to the institution of this proceeding largely because the information gathered may be useful to the Congress as it reexamines motor carrier regulation. In particular, draft legislation now before the Senate [S. 2245] and the House of Representatives [H.R. 8410] deals with the question of eliminating circuitous routes.

COMMISSIONER CLAPP, concurring:

I think it important for the Commission to develop contingency plans for dealing with fuel shortages. As this has been on the drawing board for a year now, an inclination would be to put it on a standby basis for immediate use if and when another fuel shortage occurs. I will reserve judgement, however, until we have received comments.

[FR Doc. 80-8523 Filed 1-21-80; 8:45 am]
BILLING CODE 7025-0-14
ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180
[PP 8F2106/P130; FRL 1445-8]

Propanil; Proposed Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that tolerances be established for residues of the herbicide propanil on wheat grain at 0.2 part per million (ppm) and wheat straw at 0.75 ppm. The proposal was submitted by Rohm and Haas Co. This amendment would establish maximum permissible levels for residues of propanil on wheat grain and straw.

DATE: Comments must be received on or before April 24, 1980.

ADDRESS: Send comments to: Robert Taylor, Product Manager (PM), Registration Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.


SUPPLEMENTARY INFORMATION: On November 2, 1978, notice was given (43 FR 61132) that Rohm and Haas Co., Independence Mall West, Philadelphia, PA 19105, had filed a petition (PP 8F2106) with the EPA under provisions of the Federal Food, Drug, and Cosmetic Act. This petition proposed to amend 40 CFR 180.274 by establishing tolerances for combined residues of the herbicide propanil (3',4'-dichloropropanilamide) and its metabolites (calculated as propanil) in or on the raw agricultural commodities wheat grain at 0.05 ppm and wheat straw at 0.5 ppm.

Subsequently, the petitioner amended the petition by increasing the proposed tolerances in or on wheat grain from 0.05 ppm to 0.2 ppm and in or on wheat straw from 0.5 ppm to 0.75 ppm. Because of the potential increase in exposure of humans to residues as a result of the higher tolerances, 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 toxicological data considered in support of the proposed tolerances include an acute oral LD₅₀ on rats with a no-observed-effect level (NOEL) of 2,270 milligrams (mg)/kilogram (kg) of body weight (bw); a three-generation rat reproduction study with an NOEL of greater than 1,000 ppm, a two-year oncogenic/chronic toxicity rat feeding study with an NOEL of 400 ppm (20 mg/kg bw/day), and a two-year chronic toxicity dog feeding study with an NOEL of 600 ppm (15 mg/kg bw/day).

Tolerances have previously been established (40 CFR 180.274) in or on rice straw at 75 ppm; rice at 2 ppm; meat, fat, and meat byproducts of cattle, goats, horses, poultry, and sheep at 0.1 ppm; and eggs and milk at 0.05 ppm. The currently established tolerances contribute 0.68 percent of the acceptable daily intake (ADI), which is 0.15 mg/kg bw/day. The present tolerance on wheat will contribute only an additional 0.34 percent of the ADI for a total of 1.02 percent of the ADI. The ADI is based on the NOEL of 600 ppm (15 mg/kg bw/day) in the most sensitive species (dog) for which toxicity data is available with a 100-fold safety factor.

Desirable data lacking from the petition are an oncogenic study on a second rodent species, one teratology study, and one mutagenicity study. The company is currently performing the teratology and oncogenicity studies and has been informed that mutagenic evaluation is also required.

In a letter of September 7, 1979, Rohm and Haas agreed that if the oncogenicity study results indicate that an unreasonable adverse effect might exist, the use for wheat will be withdrawn from the label.

Other considerations in establishing the tolerances are that no compound-related tumors were observed in the rat oncogenicity study and no compound-related organ or tissue changes were found in the examined F3 generation. The maximal increase in the rat reproduction study was 10 percent of control in the liver; the use of these residues is not anticipated. Other considerations include that the residues would be covered by existing tolerances (40 CFR 180.6)(2)(2) applies).

The pesticide is considered useful for the purpose for which tolerances are sought, and it is concluded that the tolerances of 0.2 ppm on wheat grain and 0.75 ppm on wheat straw established by amending 40 CFR 180.274 will protect the public health. It is proposed, therefore, that the tolerances be established as set forth below.

Any person who has registered or submitted an application for the registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act, which contains any of the ingredients listed herein, may request on or before April 24, 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 comments must bear a notation indicating both the subject and the petition/document control number, "PP 8F2106/P130". 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.

(Dated: March 20, 1980.

Douglas D. Camp, Director, Registration Division, Office of Pesticide Programs.)

It is proposed that Part 180, Subpart C, § 180.274 be revised (1) in the heading by changing "3',4'-Dichloropropanilamide" to its common name "Propanil," (2) by editorially reformating the section into an alphabetized columnar listing, and (3) by alphabetically inserting wheat grain at 0.2 ppm and wheat straw at 0.75 ppm in the table as follows:

§ 180.274 Propanil; tolerances for residues.

Tolerances are established for combined residues of the herbicide propanil (3',4'-dichloropropanilamide) and its metabolites (calculated as propanil) in or on the following raw agricultural commodities:

<table>
<thead>
<tr>
<th>Commodity</th>
<th>Parts per million</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cattle</td>
<td>0.1 (N)</td>
</tr>
<tr>
<td>Cattle, mbyp</td>
<td>0.05 (N)</td>
</tr>
<tr>
<td>Cattle, meat</td>
<td>0.1 (N)</td>
</tr>
<tr>
<td>Cattle, fat</td>
<td>0.1 (N)</td>
</tr>
<tr>
<td>Eggs</td>
<td>0.05 (N)</td>
</tr>
<tr>
<td>Goats, fat</td>
<td>0.1 (N)</td>
</tr>
<tr>
<td>Goats, meat</td>
<td>0.1 (N)</td>
</tr>
<tr>
<td>Goats, mbyp</td>
<td>0.1 (N)</td>
</tr>
<tr>
<td>Hog, fat</td>
<td>0.05 (N)</td>
</tr>
<tr>
<td>Hog, meat</td>
<td>0.05 (N)</td>
</tr>
<tr>
<td>Hogs, mbyp</td>
<td>0.1 (N)</td>
</tr>
<tr>
<td>Horse, fat</td>
<td>0.1 (N)</td>
</tr>
<tr>
<td>Horse, meat</td>
<td>0.1 (N)</td>
</tr>
<tr>
<td>Horses, mbyp</td>
<td>0.1 (N)</td>
</tr>
<tr>
<td>Horse, milk</td>
<td>0.1 (N)</td>
</tr>
<tr>
<td>Milk</td>
<td>0.05 (N)</td>
</tr>
<tr>
<td>Poult, fat</td>
<td>0.05 (N)</td>
</tr>
<tr>
<td>Poult, mbyp</td>
<td>0.05 (N)</td>
</tr>
<tr>
<td>Poult, meat</td>
<td>0.1 (N)</td>
</tr>
<tr>
<td>Poult, milk</td>
<td>0.1 (N)</td>
</tr>
<tr>
<td>Rice</td>
<td>0.1 (N)</td>
</tr>
<tr>
<td>Rice, straw</td>
<td>0.05 (N)</td>
</tr>
<tr>
<td>Sheep, fat</td>
<td>0.1 (N)</td>
</tr>
<tr>
<td>Sheep, mbyp</td>
<td>0.1 (N)</td>
</tr>
<tr>
<td>Sheep, meat</td>
<td>0.1 (N)</td>
</tr>
<tr>
<td>Sheep, milk</td>
<td>0.1 (N)</td>
</tr>
<tr>
<td>Sheep, fat</td>
<td>0.1 (N)</td>
</tr>
<tr>
<td>Sheep, mbyp</td>
<td>0.1 (N)</td>
</tr>
<tr>
<td>Sheep, meat</td>
<td>0.1 (N)</td>
</tr>
<tr>
<td>Sheep, milk</td>
<td>0.1 (N)</td>
</tr>
<tr>
<td>Wheat, grain</td>
<td>0.1 (N)</td>
</tr>
<tr>
<td>Wheat, straw</td>
<td>0.05 (N)</td>
</tr>
<tr>
<td>Wheat straw</td>
<td>0.1 (N)</td>
</tr>
</tbody>
</table>

[FR Doc. 80-9133 Filed 3-24-80 11:11 am]

BILLING CODE 6560-01-M
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.

CIVIL AERONAUTICS BOARD

[Dockets 33363, 36469, and 36489]

Former Large Irregular Air Service Investigation and Applications of Four Seas Airlines, Inc.; Postponement of Hearing

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, which was assigned to be held on March 23, 1980 (45 FR 15243, March 10, 1980) is hereby postponed indefinitely.

William H. Dappey,
Administrative Law Judge.
[FR Doc. 80-9996 Filed 3-24-80; 8:45 am]
BILLING CODE 4320-01-M

DEPARTMENT OF COMMERCE

Bureau of the Census

Criteria for the 1980 Urbanized Area Definition

The following criteria are proposed for use in determining the eligibility and the definition of 1980 urbanized areas. 3

Urbanized Area Criteria

An urbanized area comprises an incorporated place 3 and adjacent densely settled surrounding area that together has a minimum population of 50,000. 4 The densely settled surrounding area consists of:

1. Contiguous incorporated or census designated places having:
   a. A population of 2,500 or more; or
   b. A population of less than 2,500, but having either a population density of 1,000 persons per square mile, a closely settled area containing a minimum of 50 percent of the population, or a cluster of at least 300 housing units.
   2. Contiguous unincorporated area which is connected by roads and has a population density of at least 1,000 persons per square mile.
   3. Other contiguous unincorporated area with a density of less than 1,000 persons per square mile, provided that it:
      a. Eliminates an enclave of less than 5 square miles which is surrounded by built-up area.
      b. Closes an indentation in the boundary of the densely settled area that is no more than 1 mile across the open end and encompasses no more than 5 square miles.
      c. Links an outlying area of qualifying density, provided that the outlying area is:
         1. Connected by road to, and is not more than 1½ miles from, the main body of urbanized area.
         2. Separated from the main body of the urbanized area by water or other undevelopable area; is connected by road to the main body of the urbanized area; and is not more than 5 miles from the main body of the urbanized area.
   4. Large concentrations of nonresidential urban area (such as, industrial parks, office areas, and major airports), which have at least one-quarter of their boundary contiguous to an urbanized area, will also be included.

Urbanized Area Title

The title of an urbanized area includes:

1. The name of the incorporated place with the largest population in the urbanized area.
2. The names of up to two additional incorporated places with eligibility determined as follows:
   a. Those with a population of at least 250,000.
   b. Those with a population of 15,000 to 250,000, provided that they are at least one-half the population of the largest place in the urbanized area.

3. Area titles that include the names of more than one incorporated place will start with the name of the largest and list the others in descending order of their population.
4. In addition to incorporated place names, the area title contains the name of each State into which the urbanized area extends.
5. Regional titles may be used to identify urbanized areas with populations over 1 million, in which case only the largest city of the urbanized area is included in the title.

Central Cities

Central cities will be those named in the titles except where regional titles are used. In such cases the central cities will be those that would have met the title criteria under items 1 and 2 above.

Explanation of Revisions to the Urbanized Area Criteria for the 1980 Census

Since the introduction of "urbanized areas" (UA's) into Census Bureau Statistics in 1930, the objective of defining these areas has been to identify separately the densely settled urban concentrations of the United States from the less densely settled "rural" areas for purposes of statistical analysis. Since its introduction, the urbanized area criteria have been adjusted each decade to reflect changes in the nature of urban growth within the country.

Initially, in 1950, the principle incorporated city of an urbanized area had to have at least 50,000 population. The urban settlement pattern in the United States at that time was heavily oriented toward cities. Since that time, urban growth has essentially been a suburban rather than a central city phenomenon. As a result the eligibility requirements before the 1960 census were adjusted to permit the use of a city of at least 35,000 if there was an adjacent city of at least 15,000, and following the 1970 census, the definition was changed further by recognizing a city of 25,000 with an adjacent incorporated place(s) and/or census defined "unincorporated place(s)" that together had a total population of at least 50,000. While there have been changes each decade in the population size requirements for the core city, there has also been a continued recognition that the population concentration must
total at least 50,000 regardless of the
jurisdictional situation.

The following revisions are being
proposed for the 1980 census:
1. The major change is the deletion of
the requirement that there be a primary
incorporated place of a specified
populat on size (item 1a and 1b in the
current criteria). This modification is
being made in order to eliminate the
inequities caused by the use of
corporate limits. Laws and practices
governing incorporation and annexation,
which affect the population size of a
city, vary significantly between the
States. For example, while cities in New
England have generally maintained
stable corporate boundaries regardless
of population growth in adjacent areas,
in many other States, adjacent areas are
annexed to cities as quickly as they
undergo urban development. Many
instances also exist where a
municipality cannot annex because the
surrounding areas are already under the
jurisdiction of some other governmental
unit.

These differences have resulted in
some urban areas having nearly all of
the dense population cluster included
within the jurisdiction of a single city,
while in other areas, the largest city has
a relatively small population in relation
to the total built-up area. Deletion of the
population size requirement for the
primary incorporated place eliminates
this inequity. Considering this from
another viewpoint, if one were to fly
over two types of areas, one which has a
city with restricted corporate
boundaries and a large adjacent built-up
area and the other with approximately
the same size population but corporate
boundaries encompassing most of the
built-up community, one would not be
able to distinguish between the two.

Depending on the population results
of the 1980 census, it is estimated that
up to 24 additional areas may qualify
under the proposed new criteria than
would do so under the current criteria. It
also should be noted that in order to
qualify under the new SMSA (MSA)
criteria, there must be an urbanized area
defined by the Census Bureau. The
county[es] in which the urbanized area
is located and which qualifies for the
MSA definition must also have a minimum
population of 100,000. Since total county
population is not a relevant criterion for
the existence of an urbanized area, if the
proposed UA criteria are approved, there
will be UA’s outside of MSA’s for the
first time.

2. Undevelopable areas, such as
rivers, bays, and floodpaths, will no
longer be considered barriers to
extending the urbanized area, as long as
the gap created by these undevelopable
areas does not exceed 5 miles (i.e.,
between the main body of the urbanized
area and the outlying area) and there is
a transportation link (e.g., a bridge)
between the two.

This modification is being made in
order to permit the inclusion of a
concentration of population that appears
to be part of a UA, but the territory
separating the population concentration
from the main body of the UA could
never be developed. Two examples of
this situation are:

a. Evansville, Indiana—Kentucky—
approximately 4 miles across the Ohio
River and its floodplain, from Evansville
to Henderson.

b. Memphis, Tennessee—Arkansas-
Mississippi—approximately 2.7 miles
across the Mississippi River and its
floodplain, from Memphis to West
Memphis.

3. The stipulation that all places or
areas within an urbanized area must be
connected by road is not really a change
in the current criteria; rather it is a
written expression of a practice which
was followed in past censuses but which
was not stated previously within the
body of the criteria. Because of the
number of questions that had been
raised over this point in the past decade,
we believe that it should now be stated
explicitly in the criteria.

4. Large concentrations of
nonresidential urban land use that do
not have population but are at the fringe
of the urbanized area will be included in
the UA if at least one quarter of their
boundary is contiguous to the urbanized
area. These additions will be restricted
to such land uses as industrial plants,
office complexes, and major airports;
that is, areas that are considered an
integral part of the urban landscape.

5. Even though the criteria permits up
to three names in the title, the
recommended change:

b. Those with a population of 15,000 to
250,000 provided that they are at least one-
half the population of the largest place in the
urbanized area.

is intended to reduce the complexity and
length of UA titles by reducing the
number of additional, incorporated place
names.

Persons wishing to comment or obtain
additional information should contact
Mr. Jacob Silver, Chief, Geography
Division, Bureau of the Census, U.S.
Department of Commerce, Washington,
D.C. 20233.

Comments submitted on or before
June 23, 1980 will receive consideration
in developing the final criteria.

Dated: March 20, 1980.

Vincent P. Barabbas,
Director, Bureau of the Census.

International Trade Administration

Certain Steel Pipe and Tubing From
Japan; Initiation of Antidumping
Investigation

AGENCY: U.S. Department of Commerce.

ACTION: Initiation of Antidumping
Investigation.

SUMMARY: This notice is to advise the
public that the Department of Commerce
has determined that a formal
antidumping investigation is warranted
for the purpose of determining whether
imports of certain steel pipe and tubing
from Japan are being, or are likely to be,
sold at less than fair value. The
International Trade Commission is being
notified of this action so that it may, in
accordance with the Tariff Act of 1930,
as amended, make a determination,
within 45 days of notification, of
whether there is a reasonable indication
of material injury by reason of imports
of this merchandise.

EFFECTIVE DATE: March 25, 1980.

FOR FURTHER INFORMATION CONTACT:
Holly A. Kuga, Office of Investigations,
International Trade Administration, U.S.
Department of Commerce, Washington,
D.C. 20230 (202-566-5492).

SUPPLEMENTARY INFORMATION:
On February 28, 1980, a petition in proper
form was received from counsel on
behalf of Babcock and Wilcox
Company, Tubular Products Division,
Beaver Falls, Pennsylvania, alleging that
certain steel pipe and tubing are being,
or are likely to be, sold at less than fair
value within the meaning of section 731
of the Tariff Act of 1930, as amended (93
referred to as "the Act").

For purposes of this investigation, the
term "certain steel pipe and tubing"
means welded pipes of steel provided
for in item numbers 610.3205 of the
Tariff Schedules of the United States
Annotated (TSUSA) and seamless pipes
and tubes of steel, of circular cross
section, provided for in TSUSA items
610.4620, 610.5210, 610.5215 or 610.5270.

Although included in the petition,
mechanical tubing provided for in
TSUSA item 610.4600 will not be
covered by this investigation.

Insufficient information has been
supplied to support the allegations of
less than fair value sales of this
particular product.
Based on petitioner's information on home market prices and prices for export to the U.S., margins appear to exist on certain items ranging from a low of approximately 2 per cent to a high of approximately 21 per cent.

There is evidence on the record concerning material injury or likelihood of material injury as a result of imports of certain steel pipe and tubing from Japan. The evidence is based primarily on the reasons of profitability, declining sales, reduced capacity utilization, unemployment and underemployment experienced solely by the petitioner, because the petitioner claims that industry-wide data on these factors can not be provided.

In accordance with section 732(c) of the Act (93 Stat. 162, 19 U.S.C. 1673(c)), I hereby determine an investigation should be initiated to determine whether imports of steel pipe and tubing from Japan are being, or are likely to be sold at less than fair value.

Pursuant to section 732(d) of the Act (93 Stat. 163, 19 U.S.C. 1673(d)), the U.S. International Trade Commission ("U.S.I.T.C.") is being notified of this determination. A copy of the information upon which the investigation is being initiated is being delivered to the U.S.I.T.C. All nonprivileged and nonconfidential information in the files of the International Trade Administration is being made available to the U.S.I.T.C., and all privileged and confidential information in the files will be made available upon confirmation that the confidentiality of such information will be maintained and that it will not be disclosed, either publicly or under an administrative protective order, without the express written consent of the Assistant Secretary for Trade Administration.

In accordance with section 733(a) of the Act (93 Stat. 163, 19 U.S.C. 1673(a)), the U.S.I.T.C. will make a determination within 45 days after the date on which the petition was filed (February 28, 1980) as to whether there is a reasonable indication that an industry in the United States is materially injured, or threatened with material injury, by reason of imports of certain steel pipe and tubing from Japan. If that determination is negative, this investigation will be deemed terminated and no further notice will be published by the International Trade Administration. Otherwise, the investigation will continue to conclusion.

Pursuant to section 735 of the Act and § 353.39 of the Commerce Regulations (19 CFR 353.39, 45 FR 8200), the International Trade Administration normally is required to issue a preliminary determination as to whether or not there is a reasonable basis to believe or suspect that merchandise which is the subject of this investigation is being sold or is likely to be sold at less than fair value within 160 days after the date on which the petition was filed. Pursuant to section 735 of the Act and section 353.44 of the Commerce Regulations (19 CFR 353.44, 45 FR 8203), a final determination normally is required within 76 days after the preliminary determination. Therefore, a preliminary determination on this petition will be made no later than August 5, 1980, so as to whether certain steel pipe and tubing from Japan are being sold or is likely to be sold at less than fair value within the meaning of the Act. A final determination will be issued no later than October 23, 1980.

If the time periods for making these decisions are extended pursuant to sections 733 and 735 of the Act and §§ 353.39 and 353.44 of the Commerce Regulations, (19 CFR 353.39 and 353.44, 45 FR 8200, 8203), a preliminary determination will be made not later than September 24, 1980 and a final determination not later than January 28, 1981.

This notice is published pursuant to section 732 of the Act and § 353.37(b) of the Commerce Regulations, (19 CFR 353.37(b), 45 FR 8199).

Stanley J. Marcus, Acting Assistant Secretary for Trade Administration, March 19, 1980.

University of Utah; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. at 700 14th Street, N.W. (Room 735), Washington, D.C.

Docket No. 79-0039. Applicant: University of Utah, Room 138 South Biology, Salt Lake City, Utah 84112. Article: Co2 Infrared Gas Analyzer and Accessories. Manufacturer: Analytical Development Co., United Kingdom. Intended use of article: The article is intended to be used for photosynthetically studies of desert plants. These studies are to be conducted in the field under natural environmental conditions. Planned experiments include measurements of net photosynthesis as function of irradiance and water stress as well as diurnal measurements of net photosynthesis. The article will also be used in the course, "Plant Adaptation," Biology No. 580 which includes a laboratory where field measurements of plant physiological processes are taught.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides accurate measurement (1% full scale reading) from zero to 1000 ppm carbon dioxide and accuracy when operated on variable frequency (60±0 Hz using an internal frequency standard) portable generator power sources. The Department of Health, Education, and Welfare advises in its memorandum dated January 2, 1980 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.106, Importation of Duty-Free Educational and Scientific Materials.)

Frank W. Creel, Acting Director, Statutory Import Program Staff.

Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

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 8:00 p.m. at 666-11th Street, N.W. (Room 735), Washington, D.C.

Docket No. 79-00405. Applicant: Columbia University, Department of Anatomy, College of Physicians and Surgeons, 630 West 168th Street, New York, N.Y. 10032. Article: Electron Microscope, Model JEM-100S and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for the ultrastructural cytochemical characterization of a variety of tissues, including CNS, gut and endocrine gland during fetal, neonatal and adult periods. Experiments to be carried out will involve obtaining samples of these various tissues at different periods of development from both normal and experimentally manipulated animals and correlating the cytochemical and ultrastructural appearance of the 2 sets of animals. Members of the staff will use the article for ultrastructural research and to instruct pre-doc and post-doc in the ultrastructural characterization of CNS, gut and endocrines during development. Application received by Commissioner of Customs: August 20, 1979.

Docket No. 79-00406. Applicant: The Children's Memorial Hospital, Department of Pathology, 2300 Children's Plaza, Chicago, Illinois 60614. Article: Electron Microscope, Model EM 10A and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for medical diagnoses on suitably prepared biologic material, primarily tissues from pediatric patients studied and treated; and examination of adequately processed biologic materials, primarily cells and tissues, employed in medical research performed by investigators of the same institution, and tending to advance medical knowledge in various fields of specialization. Postgraduate students of Medicine (Pediatrics) and Pathology, specialized medical technologists, and physicians-in-training will receive training and nonstructured education in the use of this article as a tool in modern medical diagnosis. Application received by Commissioner of Customs: September 4, 1979.

Docket No. 79-00410. Applicant: Middletown Hospital Association, 105 McKnight Drive, Middletown, Ohio 45042. Article: Electron Microscope, Model EM 10A and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for the study of human tissues and fluids obtained for diagnostic purposes from surgical specimens and post mortem examinations. The purposes of these investigations are to identify and understand disease processes, reveal etiologic factors and agents peculiar to certain illnesses and to identify the exact cell of origin of certain cancers that are unclassifiable at present by any other means. The article will also be used for educational purposes relative to the research purposes described above. Article ordered: July 5, 1979.

Docket No. 79-00411. Applicant: Veterans Administration Hospital, Southfield and Outer Drive, Allen Park, Michigan 48101. Article: Electron Microscope, Model EM 10A and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in the special medical program with the primary goal to enhance the delivery of patient care, and the secondary goal of training and research support. Specimens are processed for examination in the electron microscope, for diagnostic pathology. The article will also be used to introduce E.M. techniques and methodologies to the inhouse staff which rotates through the various services, and to instruct this staff on ultrastructural criteria for differential diagnosis by electron microscopy. Article ordered: June 20, 1979.

Docket No. 79-00416. Applicant: New York University Medical Center, 500 First Avenue, New York, N.Y. 10016. Article: Electron Microscope, Model EM 10A and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for diagnostic renal biopsies and research in experimental glomerulonephritis. Animal kidneys will be examined to determine sites of immune complex deposition and tracers that are injected such as ferritin. The article will also be used in an ongoing training program which is part of residency in Pathology. Article ordered: July 17, 1979.

Docket No. 79-00422. Applicant: Sidney Farber Cancer Institute, 44 Binney Street, Boston, Mass. 02215. Article: Electron Microscope, Model EM 10A and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in research involving the study of the structure of various molecules such as nucleic acids (DNA and RNA), proteins and ultrastructural features of eucaryotic cells like mitochondria, chloroplasts, centrioles, virus particles etc. The objectives of the research are to investigate various aspects of the metabolism and growth of viruses, macromolecular aspects of genetic processes and factors involved in the control of cellular growth. All of this research is cancer related. Application received by Commissioner of Customs: September 19, 1979.

Docket No. 80-00003. Applicant: Case Western Reserve University, University Circle, Cleveland, Ohio 44106. Article: Electron Microscope, Model EM 400T. Manufacturer: Philips Electronic Instruments, N.V., The Netherlands. Intended use of article: The article is intended to be used for microdiffraction or microchemical analysis in the following projects:

1. Composition of coherent precipitates in partially-stabilized ZrO.
2. Crystallography of the TiO precipitate in star sapphire.
3. Grain boundary segregation.
5. Composition of oxide scales.
7. Studies of electrocatalysis.
8. Thin film microanalysis.

The article will also be used in the courses EMMS 509 and EMMS 312 to teach students the practical use, theory, and applications of electron microscopy to metallurgy and materials science, particularly the advanced applications of transmission electron microscopy (TEM), scanning transmission electron microscopy (STEM), x-ray energy dispersive spectrometry (XEDS), and electron energy loss spectrometry (EELS). Article ordered: August 29, 1979.

Docket No. 80-00009. Applicant: The Ohio State University Research Foundation, 1314 Kinnear Road, Columbus, Ohio 43212. Article: Electron Microscope, Model EM 109R. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in the various studies of the following organisms:

1. Nuclear polyhedrosis viruses of insects—use of insect pathogens (viruses) as possible agents in insect control.
2. Hydra, algae and marine snails—an understanding of how foreign articles are retained or removed by cells; an understanding of sensory organs in molluscs.
3. Salamanders—An understanding of how vertebrate limb regeneration is controlled.
4. Mosquitoes—Control of mosquitoes through an understanding of cell structure and physiology.
5. Parasitic nematodes—Control of parasites of commercially important fish species.
6. Rats and trout; chambered nautili—An understanding of how
genetic factors governing photosynthesis

mutants as a tool in elucidating the studies

100CX and Accessories. Manufacturer. Article: Electron Microscope, Model JEM

microscopical techniques, so that they in the course "Practical Microscopy" to fixation between specific plants and with cell surfaces, plant pathogenesis bases of such phenomena as cellular

asperillus

Bacillus licheniformis. Experiments will be conducted seeking a better understanding of the molecular bases of such phenomena as cellular differentiation, protein transport across cell membranes, hormone interactions with cell surfaces, plant pathogenesis associated with Spiroplasmas, viral morphogenesis, and the symbiotic relationships involved in nitrogen fixation between specific plants and actinomycetes. The article will be used in the course "Practical Microscopy" to introduce students to modern electron microscopical techniques, so that they may successfully undertake appropriate research projects with a minimum of additional instruction. Article ordered: September 15, 1979.

Docket No. 80-00014. Applicant: North Dakota State University, College Station, Fargo, North Dakota 58105. Article: Electron Microscope, Model JEM 100CX and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in the following studies (1) use of chloroplast mutants as a tool in elucidating the genetic factors governing photosynthesis and the ultrastructural development of plastids, (2) examination of the morphological and cytological changes in bacterial and fungal spores when airborne and specific studies of spore germination, penetration, susceptibility and relationships between host cells and pathogens, (3) evaluate the purity of various research preparations and the cytological effects due to virus infections, (4) detection of polio, EBV, and other herpes viruses in human and water sediments, (5) taxonomy and classification of insects and (6) determine the ultrastructure of bat kidney to determine the mechanism by which they can tolerate a diet of meal worms without drinking water. The article will also be used to teach a course entitled "Techniques in Electron Microscopy". Article ordered: October 10, 1979.

Docket No. 80-00015. Applicant: Columbia University, College of Physicians and Surgeons, 630 W. 168th Street, New York, N.Y. 10032. Article: The article is intended to be used for studies of sections of muscle and other biological specimens embedded in epoxy resins. The experiments will be physiological or pharmacological treatments of muscle fiber bundles or of single muscle cells to determine the alterations of muscle fiber structure produced. In addition, the article will be used for the training of advanced graduate students or post-doctoral fellows who will already be familiar with ordinary electron microscopes. Article ordered: July 31, 1979.

Docket No. 80-00016. Applicant: Miami University, Oxford, Ohio 45056. Article: Electron Microscope, Model JEM 100S and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for the investigation of structural details of single nerve and muscle to understand how nerve and muscle cells become connected together morphologically. The article will be used for individualized instruction of graduate students in the techniques of electron microscopy. Article ordered: July 25, 1979.

Docket No. 80-00019. Applicant: Veterans Administration Medical Center, Highway 6, Iowa City, Iowa 52240. Article: Electron Microscope Model JEM 100CX and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for the study of a wide variety of tissues both animal and human such as: endothelium of blood vessels, epithelial surfaces, developing tooth dentin, bacterial, cell and viral cultures, muscle, nerve, kidney, liver and lung. The properties to be investigated will in general be the developmental pathological and experimental ultrastructural features in the various tissues. These include: specialized structures of neoplasms, the geometry and elemental constitution of early crystalline phases in dentin, the formation and differentiation of endothelial functional complexes, antibody response of endothelial cells and cell cultures, insulin receptor sites, cell surface response to bacterial toxins and other agents, the presence and concentration of particular elements such as copper in cases of Wilson's disease. These investigations will be conducted in order to understand the effects of antendothelial antibodies on brain vessels, obtain a 3-dimensional and elemental model of the crystalline components of dentin, develop treatment modalities for infectious diseases, and to understand the reactions and interrelationships of vessel wall components in injury and vascular disease. Article ordered: September 4, 1979.

Docket No. 80-00021. Applicant: Louisiana State University Medical Center, 1440 Canal Street, Suite 1510, New Orleans, LA 70112. Article: Electron Microscope, Model EM 100 and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for the study of eye tissue and other biological tissue. The wide range of phenomena to be studied include pathological changes in biological tissue, virus-induced changes, physiological processes, drug-induced changes particularly in ocular and ocular adnexal tissue requiring electron microscopic examination. Article ordered: August 27, 1979.

Comments: No comments have been received with respect to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles for such purposes as these articles are intended to be used, was being manufactured in the U.S. at the time the articles were ordered.

Reasons: Each foreign article to which the foregoing applications relate is a conventional transmission electron microscope (CTEM). The description of the intended research and/or educational use of each article establishes the fact that a comparable CTEM is pertinent to the purposes for which each is intended to be used. We know of no CTEM which was being manufactured in the United States either at the time of order of each article described above or at the time of receipt of application by the U.S. Customs Service.
The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to 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 either at the time of order or at the time of receipt of application by the U.S. Customs Service.

(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. 80-5018 Filed 3-26-80; 0.05 am]
BILLING CODE 3510-25-M

Consolidated Decision on Applications for Duty-Free Entry of Ultramicrotomes

The following is a consolidated decision on applications for duty-free entry of ultramicrotomes pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially § 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 665 17th Street, N.W. (Room 735), Washington, D.C.

Docket No. 79-00417. Applicant: University of Pennsylvania School of Medicine, 454 Johnson Pavilion/G2, 36th Street, Philadelphia, Pennsylvania 19104. Article: LKB 2128-010 Ultrotome IV Ultramicrotome and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to section human and animal tissues such as enamel, dentin, bone, tumors and soft tissues of oral cavity, which have been embedded in hardened epoxy resins for examination by electron microscopy. One research project will involve the investigation of ultrastructure and cytochemistry of leukocyte growth and division in normal and pathological conditions with the following objective: (1) to determine the location and function of complex carbohydrates in leukocyte lysosomal granules; (2) to characterize dysgranulopoietic conditions in congenital neutropenia and (3) to identify abnormalities of granulogenesis in leukemia granulocytes. Another project is the investigation of the ultrastructure and cytochemistry of iron and lead metabolism with the following objectives: (1) to develop cytochemical and autoradiographic techniques for the ultrastructural identification of iron and lead; (2) to identify mechanisms for normal and pathologic deposition of tissue iron and lead; (3) to determine the subcellular location of iron release from transferrin and (4) to determine the pathway and mechanism of iron and lead uptake in duodenal absorptive cells. The article is also to be used in the courses entitled "Selected topics in physiology related to dental research" and "Special topics in Biomaterials" and post-doctoral training programs in Caries Research and applicants in Pathology. The courses will involve a study of general principles of techniques and the use of the electron microscope to study the fine structure of cells and various subcellular organelles and the employment of cytochemical staining methods to localize various enzymes.


Comments: No comments have been received with respect to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles for such purposes as these articles are intended to be used, was being manufactured in the United States at the time the articles were ordered.

Reasons: Each of the foreign articles provides a range of cutting speeds equal to or better than 0.1 to 20 millimeters per second. The MT/5000 ultramicrotome manufactured domestically by the DuPont/Sorvall Division of the DuPont Company (Sorvall) became available on April 24, 1978. The MT/5000 has a cutting speed range of 0.1 to 32.9 mm/ sec. However, at the time the foreign articles were ordered, the most closely comparable domestic instrument was Sorvall's Model MT-2B ultramicrotome. The Model MT-2B has a range of cutting speeds from 0.09 to 3.2 millimeters per second. HEW advises in its respectively cited memoranda, that cutting speeds in excess of 4 millimeters per second are pertinent to the satisfactory sectioning of the specimen materials and the relevant embedding materials that will be used by the applicants in their respective experiments. We, therefore, find that the Sorvall Model MT-2B ultramicrotome was not of equivalent scientific value to the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used 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. 80-5023 Filed 3-25-80; 8:45 am]
BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

National Marine Fisheries Service; Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

   b. Address: 614B 15th Place #13, Kenosha, Wisconsin 53140.

2. Type of Permit: Public Display.

3. Name and Number of Animals: Atlantic bottlenose dolphins (Tursiops truncatus), 6.

4. Type of Take: To capture and maintain for the purpose of public display.

5. Location of Activity: West Coast of Florida.

6. Period of Activity: 2 years.
The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described applications have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the Federal Register, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20335, on or before April 24, 1980. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3500 Whitehaven Street, N.W., Washington, D.C.;

Regional Director, National Marine Fisheries Service, South Region, 9450 Koger Boulevard, St. Peters, Florida 33702; and

Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.


William Aron,
Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 80-9027 Filed 3-24-80; 8:45 am] BILLS 90-19-22-M

National Marine Fisheries Service; Issuance of Permit

Notice is hereby given that an Applicant has applied in due form for a permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:

a. Name: Zoo Duisburg AG.
b. Address: Muhlem Strasse 273, 4100 Duisburg, West Germany (F225).

2. Type of Permit: Public Display.

3. Name and Number of Animals: Atlantic bottlenose dolphins (Tursiops truncatus), 2.

4. Type of Take: Animals will be captured for permanent maintenance in a public display facility.

5. Location of Activity: Copano Bay, Gulf of Mexico.

6. Period of Activity: 2 years.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the Federal Register the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20335, on or before April 24, 1980. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

As a request for a permit to take living marine mammals to be maintained in areas outside the jurisdiction of the United States, this application has been submitted in accordance with National Marine Fisheries Service policy concerning such applications (40 FR 11614, March 12, 1975). In this regard, the application:

(a) Was submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, through the Veterinam of West Germany, that Department being responsible, among other things, for ensuring the suitable care of animals in captivity;

(b) Includes a statement that the Veterinam:

i. Has verified the information set forth in the application;

ii. Will monitor compliance with the terms and conditions of the permit, and

iii. Will have no objection to a National Marine Fisheries Service decision to amend, suspend, or revoke a permit.

In accordance with the above cited policy, the certification and statements of the Veterinam have been found appropriate and sufficient to allow consideration of this permit application.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, St. Peters, Florida 33702.


William Aron,
Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 80-9027 Filed 3-24-80; 8:45 am] BILLS 90-19-22-M

National Marine Fisheries Service; Issuance of Permit

On January 30, 1980, Notice was published in the Federal Register (45 FR 6819), that an application had been filed with the National Marine Fisheries Service by the University of Guelph, Department of Pathology, Ontario Veterinary College, Guelph, Ontario, Canada N1G 2W1, to take four (4) Atlantic bottlenose dolphins (Tursiops truncatus) for scientific research.

Notice is hereby given that on March 17, 1980, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Scientific Research Permit for the above taking to the University of Guelph, subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Koger Boulevard, St. Peters, Florida 33702.

Dated: March 17, 1980.

Winfred H. Malboeck,
Executive Director, National Marine Fisheries Service.
National Marine Fisheries Service; Issuance of Permit

On February 4, 1980, Notice was published in the Federal Register (45 FR 7610), that an application had been filed with the National Marine Fisheries Service by Ocean Park Limited, Wong Chuk Hang Road, Aberdeen, Hong Kong, for a permit to take five (5) rehabilitated beached/stranded California sea lions (Zalophus californianus) for the purpose of public display.

Notice is hereby given that on March 17, 1980 and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Public Display permit (1407), the National Marine Fisheries Protection Act of 1980, for the purpose of public display.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and
Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Winfred H. Meibohm,
Executive Director, National Marine Fisheries Service.

Dated: March 10, 1980.
Winfred H. Meibohm,
Executive Director, National Marine Fisheries Service.

Office of the Secretary

Commerce Technical Advisory Board; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976) notice is hereby given that the Commerce Technical Advisory Board will hold a meeting on Thursday, April 10, 1980 from 9:00 a.m. until 5:00 p.m. and on Friday, April 11, 1980 from 9:00 a.m. until 12 o'clock noon in Room 3668-A, Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C.

The Board was established to study and evaluate the technical activities of the Department of Commerce and recommend measures to increase their value to the business community.

Tentative agenda items include:

The meeting will be open to public observation. The public may submit written statements or inquiries to the Chairman before or after the meeting. A limited number of seats will be available to the public and to the press on a first-come, first-served basis. Copies of minutes and materials distributed will be made available for reproduction followign certification by the Chairman, in accordance with the Federal Advisory Committee Act, in Room 3667, Department of Commerce, Washington, D.C. 20230.

Further information may be obtained from Mrs. Florence Feinberg, Administrator, Room 3667, U.S. Department of Commerce, Washington, D.C. 20230. Telephone (202) 377-5065.

Dated: March 10, 1980.
J. Baruch,
Assistant Secretary for Productivity, Technology, and Innovation.

Pacific Fishery Management Council's Scientific and Statistical Committee; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Scientific and Statistical Committee of the Pacific Fishery Management Council, established under Section 302(g) of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), has changed its meeting times and location (FR Vol. 45, No. 42, Friday, February 29, 1980, page 13498).

DATES: The meeting will convene on Tuesday, April 8, 1980, at 1 p.m., Wednesday, April 9, 1980, at 8 a.m.; adjourning at 5 p.m. on both days.

ADDRESS: The meeting will take place at the Oregon Department of Fish and Wildlife Building, S.W. 6th and Mill Streets, Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: Pacific Fishery Management Council, 528 S.W. Mill Street, Portland, Oregon 97201, Telephone: (503) 221-6952.

Dated: March 10, 1980.
Guy W. Chamberlin, Jr.,
Acting Assistant Secretary for Administration.

Economic Development Administration; Statement of Organization, Functions, and Delegation of Authority

This order effective March 1, 1980 further amends the materials appearing at 44 FR 4314 of February 13, 1979 and 44 FR 56026 of September 24, 1979.

Department Organization Order 45-1, dated January 11, 1979 is hereby amended as shown below. The purpose of this amendment is to reorganize headquarters development finance activities under a newly established Deputy Assistant Secretary for Development Finance.

1. In Section 6, Deputy Assistant Secretary for Economic Development Operations, a. In pen and ink, change subparagraph .01b.2 to read "Technical Assistance, except with respect to the Development Finance Program;"
b. In pen and ink, delete subparagraph .01.b.5. and renumber subparagraphs .01.b.6. and 7., as .01.b.5. and 6.

c. In pen and ink, delete subparagraph 6.02.b. and renumber subparagraphs 6.02.c., d., and e., as 6.02.b., c., and d.

2. A new Section 7. is added to read as follows:

In Section 7. Deputy Assistant Secretary for Development Finance.

"01. The Deputy Assistant Secretary for Development Finance shall be responsible for implementing the Development Finance Program (DFP) which uses financial incentives such as loans and loan guarantees to encourage business investment in economically distressed areas, to provide employment and to improve the tax base. The functions of the Office are to:

"a. Develop policies and procedures for implementing the following program authorities:

"1. Business loans, loan guarantees and technical assistance for development finance under the Public Works and Economic Development Act of 1965, as amended; and


"b. Develop, recommend and implement standards, policies, and criteria for the technical evaluation and processing of project applications for assistance under the above authorities.

"c. Review and recommend approval or denial of project applications to the Assistant Secretary and approve amendments to loan guarantees, direct loan packages, and DFP technical assistance grants.

"d. Evaluate activities of the Regional Offices in their implementation of DFP policies, standards, and procedures for processing project applications, for administering projects and for providing technical assistance grants.

"e. Monitor on a continuing basis the overall effectiveness of the development finance projects at the national and regional level, and recommend and implement new policy and program approaches.

"f. Provide direction to ensure coordination of DFP activities with EDA public works, revolving loan funds, planning, policy, research, evaluation and other technical assistance activities.

"g. Provide direction to ensure coordination of the DFP with other Federal bodies, State and local governments, national organizations and private sector institutions; participate with the Office of Policy, Evaluation and Research in analytical presentations and discussions with the White House staff, OMB, other Federal agencies, the Congress and members of the financial and business development communities, and public officials.

"02. The Deputy Assistant Secretary for Development Finance shall direct and supervise the activities of the following organizational elements:

"a. The Office of Development Finance Management shall be responsible for providing overall guidance and coordination of DFP activities to ensure that Regional and Headquarters offices effectively implement the DFP. The functions of the Office are to:

"1. Develop, implement and evaluate the policies, standards and procedures for the operation of the DFP in Headquarters and the Regional Offices.

"2. Translate these policies and procedures into basic operating standards and performance measures for Headquarters and Regional Offices.

"3. Recommend national and regional DFP program objectives; coordinate, manage and monitor the DFP portfolio to ensure compliance with program standards and objectives, and recommend the redirection of resources to ensure achievement of the DFP overall goals.

"4. Develop and implement policies and programs to establish the nationwide DFP delivery system and administer the DFP technical assistance program.

"5. Develop and manage EDA's broad-based DFP outreach program; provide guidance and assistance to Regional Offices and other EDA and non-EDA organizations about the DFP delivery system; and provide resource persons for this outreach program.

"6. Develop and administer a nationwide DFP training program for EDA Headquarters, Regional Offices, and non-EDA public and private participants; periodically review and recommend continuation or changes to the training program.

"7. Serve as the primary contact between the Deputy Assistant Secretary for Development Finance and officials of other EDA offices, Federal executive and legislative offices, State and local governments, public interest groups and private sector organizations and institutions to ensure effective coordination of the DFP and related activities.

"8. Represent the Deputy Assistant Secretary for Development Finance on inter- and intra-agency committees and task forces related to the formulation of Agency-wide and Administration development policy and programs; ensure coordination and implementation of DFP related inter- and intra-agency agreements.

"9. Develop, implement and evaluate demonstration efforts relevant to the DFP to improve its operations.

"10. Serve as the primary contact between the Deputy Assistant Secretary for Development Finance with the Office of Operational Planning and Control (OOPAC) on all activities affecting the DFP, in coordination with OOPAC, provide guidance to the Regional Offices in the development of their regional strategies; review and monitor the strategies; develop the management information system requirements to define and monitor performance measures, to provide budget program information to track investments and to ensure consistency among program activities and regional strategies, allocation plans and agency policies.

"11. In coordination with the Office of Policy, Evaluation and Research, participate in recommending and monitoring contracts for research and evaluation of DFP program and policies.

"12. Conduct postapproval reviews of selected DFP projects to determine adherence to EDA policy and guidelines; develop, in conjunction with the Office of the Inspector General, criteria for audits of the DFP, including adherence to EDA policy and programmatic requirements.

"13. Develop DFP program handbooks, bulletins and directives for DFP offices; prepare materials relating to the policies and operation of DFP, its delivery system and related programs for briefings, testimony and reports for the Congress, other Federal agencies, and the public.

"14. Provide the administrative support for the DFP including such functions as the control of funds for travel, supplies, repairs; control of all DFP correspondence; the coordination of budget and personnel information; and forms development, printing and dissemination.

"15. Review proposed legislation and materials involving EDA and non-EDA programs for impact on the DFP, and, in coordination with the Chief Counsel's staff, recommend responses and draft legislation as appropriate.

"b. The Office of Development Finance Projects shall be responsible for the processing of projects in headquarters and making recommendations to assist the Office of Development Finance Management in establishing feasible policies and procedures for field and headquarters processing of development finance projects. The functions of the Office are to:...
nature, and those referred to the Office of Development Finance Projects (ODFP) for processing by the Regional Offices.

2. Review the recommendations made by Regional Offices for the approval of applications for direct loans, loan guarantees, and other forms of financial assistance, and advise the Deputy Assistant Secretary on such recommendations.

3. Make final recommendations to the Deputy Assistant Secretary to deny, approve or restructure loans and loan guarantees, as well as all amendments and actions on them which require approval prior to transferring them to the Office of Portfolio Administration for servicing.

4. Advise, assist and make recommendations to applicants preparing national, prototype, special or industrial sector project applications.

5. Evaluate and make recommendations regarding comprehensive financing, after processing of such applications.

6. On projects processed by the ODFP, provide supervision and construction monitoring for private sector investment projects, including certifications for loan disbursements.

7. Monitor the construction and disbursement status of all undisbursed and partially disbursed private sector investment projects as reported by the Regional Offices.

8. Deobligate loan funds not required because of withdrawals, cancellations and underruns.


10. Perform the headquarters processing responsibilities for the Special Incentives program, which will include such projects as employee stock ownership plans and new technology commercialization demonstration projects.

11. Assist the Office of Development Finance Management in the development, review and evaluation of operation of the Special Incentives program to ensure uniform implementation of the program policies, guidelines, standards, forms and procedures.

12. Ensure that actions taken to accept, develop, process, review and approve development financing projects are consistent with OMB Circulars, Executive Orders, pertinent statutes and the CFR.

13. Assist the Office of Development Finance Management to provide appropriate oversight, training, and technical expertise to the Regional Offices for the uniform implementation of the development financing program policies and requirements.

14. Maintain liaison with other Federal agencies having grant-in-aid programs which may supplement or impact on Special Incentives projects, and other EDA development financing programs.

15. Provide project oversight taking into account program and policy compliance, and take appropriate measures to correct noncompliance.

The Office of Portfolio Administration shall be responsible for the management of the business loan and loan guarantee portfolio, assisting the Office of Development Finance Management in the development and evaluation of effective loan administration policies and procedures carried out by Regional Offices and the Office of Portfolio Administration, and the orderly liquidation of DFP projects requiring such action. The functions of the Office are to:

1. Perform such analysis and establish such means of communications so as to be familiar with and be able to report in a timely manner on the significant aspects of each EDA loan/guarantee including, but not limited to: economic impact, repayment ability, EDA collateral and security position, and Borrower's/Lender's compliance with loan/guarantee terms and conditions.

2. Conduct the loan administration of EDA loans/guarantees requiring special servicing so as to sustain or restore projects capable of special operations through appropriate action, which may include the processing and recommendations of applications for new EDA financial and technical assistance, and/or modifications of existing loan/guarantee terms and conditions.

3. Conduct activities in connection with obtaining appraisals, lien searches and title searches.

4. Conduct the orderly liquidation of EDA projects incapable of continuing viable operations so as to dispose of the project assets acquired at foreclosure to the best advantage of the government, taking into consideration EDA's economic development goals.

5. Direct all activities in connection with the care and preservation of EDA's collateral and security position in EDA loans/guarantees.

6. Request the assistance of, and work with, EDA's Office of Chief Counsel and other Federal agencies toward the orderly liquidation of EDA loans/guarantees.

7. Analyze and recommend for approval or denial modification actions to existing EDA loan/guarantee terms and conditions if requested by the Regional Offices.

8. Assist the Office of Development Finance Management in the development of appropriate policy and procedural changes or corrective actions necessary to enhance the administration of EDA's loan/guarantee portfolio.

9. Assist, advise and oversee the Regional Offices' Business Development Divisions in carrying out Office of Portfolio Administration loan administration program responsibilities; this may include assisting the Office of Development Finance Management in the development, implementation and administration of training programs for appropriate Regional Office personnel.

8. In lieu of the existing Sections 7 through 14, respectively.

The organization chart dated August 12, 1979 is superseded by the chart attached to this amendment. A copy of the organization chart is on file with the original of this document in the Office of the Federal Register.

Effective: March 1, 1980.

Guy W. Chamberlin, Jr.,
Acting Assistant Secretary for Administration.

[FR Doc. 80-6332 Filed 3-5-80; 8:45 am]
BILLING CODE 6510-17-M

[Dept. Organization Order 25-5B, Amdt. 5]

National Oceanic and Atmospheric Administration; Statement of Organization, Functions, and Delegation of Authority

This order effective March 5, 1980.


Department Organization Order 25-5B dated October 16, 1978 is hereby further amended as shown below. The purpose of this amendment is to revise the functional statement of the Assistant Administrator for Policy and Planning to formalize the focal point within NOAA for the review of ecological and environmental conservation matters, and to include NOAA's assigned responsibilities by Section 4, of the National Ocean Pollution Research and Development and Monitoring Planning Act of 1978.

In Section 6, Assistant Administrator for Policy and Planning, a new sentence is added at the end of this paragraph to
read as follows: "The Assistant Administrator shall act as a focal point for the review of all NOAA activities relating to ecological and environmental conservation matters and shall carry out NOAA's responsibilities under Section 4. of the National Ocean Pollution Research and Development and Monitoring Planning Act of 1978 (Pub. L. 95-273), which include the biennial preparation of a five-year Federal Plan and the inter-agency coordination necessary to develop and implement recommendations made by that plan."

Effective date: March 5, 1980.
Guy W. Chamberlin, Jr.,
Acting Assistant Secretary for Administration.

Federal Register / Vol. 45, No. 59 / Tuesday, March 25, 1980 / Notices

COUNCIL ON ENVIRONMENTAL QUALITY

Fourth Progress Report on Agency Procedures Implementing Executive Order 12114, "Environmental Effects Abroad of Major Federal Actions" (January 4, 1979)

AGENCY: Council on Environmental Quality, Executive Office of the President.


SUMMARY: On January 4, 1979, President Carter issued Executive Order 12114 entitled "Environmental Effects Abroad of Major Federal Actions." Executive Order 12114 requires all Federal agencies taking major Federal actions outside the U.S. which are encompassed by and not exempted from the Order, to have in effect procedures implementing the Order within 6 months after January 4, 1979 (i.e., by September 4, 1979). The Order requires agencies to consult with the Council on Environmental Quality and the Department of State before putting their implementing procedures in effect. The Council has previously published certain explanatory documents concerning implementation of E.O. 12114 (44 FR 18722, March 29, 1979). On September 28, 1979 the Council published its first progress report on agency procedures implementing the Executive Order (44 FR 55410), on November 6, 1979 a second progress report (44 FR 64101) and on January 29, 1980 a third progress report (44 FR 60538). The purpose of this fourth progress report is to provide an update on where affected agencies stand in this process.

FOR FURTHER INFORMATION CONTACT: Nicholas C. Yost, General Counsel, Council on Environmental Quality, 722 Jackson Place, N.W., Washington, D.C. 20006; (202) 395-5750.

Fourth Progress Report on Agency Procedures Implementing E.O. 12114

The progress report lists federal agencies in two categories. In Category 1 agencies that have published proposed or final procedures implementing Executive Order 12114. Category 2 lists agencies that have prepared draft procedures or are in the process of developing such procedures, and contains an estimated time such procedures will be published in the Federal Register.

Category 1—Federal Agencies That Have Published Proposed or Final Procedures Implementing E.O. 12114

Department of Defense—Final Procedures issued April 12, 1979 (44 FR 21786).


Overseas Private Investment Corporation—Final Procedures issued August 31, 1979 (44 FR 51385).


Department of Commerce—Proposed Procedures issued February 12, 1980 (45 FR 9307).


(2) "Unified Procedures Applicable To Major Federal Actions Relating To Nuclear Activities Subject To Executive Order 12114."


Environmental Protection Agency—Proposed procedures implementing E.O. 12114, November 29, 1979 (44 FR 67766).

Category 2—Federal Agencies Scheduled To Publish Procedures Implementing E.O. 12114 in the Near Future

Department of Treasury—Proposed procedures implementing E.O. 12114 are awaiting final approval. (Publication anticipated by February 15, 1980).

Department of Interior—Draft procedures implementing E.O. 12114 are under preparation. These procedures are expected to be published in the near future. Dated: March 20, 1980.

Nicholas C. Yost,
General Counsel.

Noncoal Minerals Mining and Reclamation; Extension of Time for Written Comments

AGENCY: Council on Environmental Quality, Executive Office of the President.

ACTION: Extension of time for written comments on non-coal minerals mining and reclamation.

SUMMARY: On Tuesday, February 12, 1980 the Council published a notice in the Federal Register inviting public comments on a report entitled Surface Mining of Non-Coal Minerals. This report was prepared for the Council by the Committee on Surface Mining and Reclamation (COSMAR) of the National Research Council/National Academy of Sciences as required by Section 709 of the Surface Mining Control and Reclamation Act of 1977.

That notice stated that written comments on the COSMAR report would be accepted through March 21, 1980. Because the report and its appendices are lengthy, and because some persons had difficulty in obtaining the report from the Publications Office of the National Academy of Sciences, the Council has decided to extend the period for submission of written comments on the COSMAR report and related suggestions for legislative recommendations.

DATE: The comment period is hereby extended until April 15, 1980. All public comments must be received by that date.

ADDRESS: Comments should be sent to: Robert B. Smythe, Senior Staff Member for Natural Resources, Council on Environmental Quality, 722 Jackson Place NW., Washington, D.C. 20006. Additional information may be obtained from Mr. Smythe or Dr. Erik Rifkin at the above address; their telephone number is 202/255-4540.
Publication of Seventh Progress Report on Agency Implementing Procedures Under the National Environmental Policy Act

AGENCY: Council on Environmental Quality, Executive Office of the President.


SUMMARY: In response to President Carter’s Executive Order 11991, on November 29, 1978, the Council on Environmental Quality issued regulations implementing the procedural provisions of the National Environmental Policy Act (“NEPA”). (43 FR 55978-56007; 40 CFR 1500-08) Section 1507.3 of the regulations provides that each agency of the Federal Government shall have adopted procedures to supplement the regulations by July 30, 1979. The Council has indicated to Federal agencies its intention to publish progress reports on agency efforts to develop implementing procedures under the NEPA regulations. The purpose of these progress reports, the seventh of which appears below, is to provide an update on where agencies stand in this process and to inform interested persons of when to expect the publication of proposed procedures for their review and comment.


Seventh Progress Report on Agency Implementing Procedures Under the National Environmental Policy Act

At the direction of President Carter (Executive Order 11991), on November 29, 1978, the Council on Environmental Quality issued regulations implementing the procedural provisions of the National Environmental Policy Act (“NEPA”). These regulations appear at Volume 43 of the Federal Register, pages 55978-56007 and in forthcoming revisions to Volume 40 of the Code of Federal Regulations, Sections 1500-1508. Their purpose is to reduce paperwork and delay associated with the environmental review process and to foster environmental quality through better decisions under NEPA.

Section 1507.3 of the NEPA regulations provides that each agency of the Federal government shall adopt procedures to supplement the regulations. The purpose of agency “implementing procedures,” as they are called, is to translate the broad standards of the Council’s regulations into practical action in Federal planning and decisionmaking. Agency procedures will provide government personnel with additional, more specific direction for implementing the procedural provisions of NEPA, and will inform the public and State and local officials of how the NEPA regulations will be applied to individual Federal programs and activities.

In the course of developing implementing procedures, agencies are required to consult with the Council and to publish proposed procedures in the Federal Register for public review and comment. Proposed procedures must be revised as necessary to respond to the ideas and suggestions made during the comment period. Thereafter, agencies are required to submit the proposed final version of their procedures for 30 day review by the council for conformity with the Act and the NEPA regulations. After making such changes as are indicated by the Council, agencies are required to promulgate their final procedures. Although CEQ’s regulations required agencies to publish their procedures by July 30, 1979 a number of Federal agencies did not meet this deadline. We stress, however, that the CEQ regulations are in effect now and are binding on all agencies of the Federal government now, whether or not the agencies are on time or laggard with their own procedures.

The Council published its first progress report on agency implementation procedures on May 7, 1979, its second report on July 23, 1979, its third report on September 26, 1979, its fourth report on November 2, 1979, its fifth report on December 14, 1979 and its sixth progress report on January 29, 1980. (44 FR 26781-82; 44 FR 43037-38; 44 FR 55408-55410; 44 FR 63132-63133; 44 FR 72622-72623; 45 FR 6638-6640.) The seventh progress report appears below. The Council hopes that concerned members of the public will review and comment upon agency procedures to insure that the reforms required by President Carter and by the Council’s regulations are implemented. Agencies preparing implementing procedures are listed under one of the following four categories:

Category 1: Final Procedures Have Been Published

This category includes agencies whose final procedures have appeared in the Federal Register:

Department of Agriculture, 44 FR 44802 (July 30, 1979).
Forest Service, 44 FR 44718 (July 30, 1979).
Rural Electrification Administration, 45 FR 6592 (Jan. 29, 1980).
Department of Defense, 44 FR 46941 (Aug. 9, 1979).
Department of Transportation, 44 FR 56420 (Oct. 1, 1979).
Federal Aviation Administration, 45 FR 2244 (Jan. 10, 1980).
Department of the Treasury, 45 FR 1623 (Jan. 8, 1980).
Environmental Protection Agency, 44 FR 64174 (Nov. 8, 1979).
General Services Administration, 45 FR 83 (Jan. 2, 1980).
Public Buildings Service (see 44 FR 50675, Nov. 18, 1979).
Marine Mammal Commission, 44 FR 52637 (Sept. 11, 1979).
National Aeronautics and Space Administration, 44 FR 44465 (July 30, 1979) [corrections: 44 FR 49950 (Aug. 24, 1979); 44 FR 69920 (Dec. 5, 1979)].
National Science Foundation, 45 FR 39 (Jan. 2, 1980).
Overseas Private Investment Corporation, 44 FR 51385 (Aug. 31, 1979) [NEPA Procedures are contained in this agency’s procedures implementing Executive Order 12114 cited above].
Postal Service, 44 FR 63524 (Nov. 5, 1979).
Small Business Administration, 45 FR 7359 (Feb. 1, 1980).

Category 2: Proposed Procedures Have Been Published

This category includes agencies whose proposed procedures have appeared in the Federal Register. Those agencies whose final procedures are expected within 30 days are marked with a single asterisk (*); those expected within 60 days by a double asterisk (**):

ACTION, 44 FR 60110 (Oct. 18, 1979).
Agency for International Development, 44 FR 56378 (Oct. 1, 1979).*
Civil Aeronautics Board, 44 FR 45037 (Aug. 3, 1979).* [reissuance of part: 45 FR 10332 (Mar. 12, 1980)].
DEPARTMENT OF DEFENSE

Defense Advisory Committee on Women in the Services (DACOWITS); Meeting

Pursuant to Pub. L. 92-463 notice is hereby given that a meeting of the Defense Advisory Committee on Women in the Services (DACOWITS) will be held 21-25 April 1980 at the Hotel Washington, and the Pentagon, Washington, DC.

The purpose of the DACOWITS Committee is to assist and advise the Secretary of Defense on matters relating to women in the Services. The Committee meets semi-annually.

Sessions will be conducted daily as indicated and will be open to the public. The agenda will include the following meetings and discussions:

- Monday, 21 April 1980—Hotel Washington 4:00 p.m. to 10:00 p.m.—Registration. To be determined—Executive Committee Meeting.
- 6:00 p.m. to 7:00 p.m.—Orientation Briefing for New Members.
- 7:00 p.m. to 8:30 p.m.—“No-Host” Cocktail Buffet.

Tuesday, 22 April 1980—Capitol Hill 9:00 a.m. to 5:00 p.m.—Seminar on “Women in the Military,” co-sponsored by the DACOWITS and the Congresswomen’s Caucus.

Wednesday, 23 April 1980—OSD Conference Room, 13E01, the Pentagon and Hotel Washington 9:00 a.m. to 9:45 a.m.—Official Opening. 10:00 a.m. to 12:00 a.m.—OSD/Service Briefings. 12:00 noon to 1:30 p.m.—Luncheon (By invitation only). 1:30 p.m. to 5:00 p.m.—Subcommittee Meetings. 7:00 p.m.—Executive Committee and Military Representatives to DACOWITS Meeting.

Friday, 25 April 1980—Hotel Washington 9:00 a.m. to 10:45 a.m.—General Business Session. Presentations by members of the Public. 10:45 a.m.—Adjourn.

Members of the public will not be permitted to go on the field trip or attend the social functions.

The following rules and regulations will govern the participation by members of the public at the meeting.
Department of Defense Wage Committee; Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, the Federal Advisory Committee Act, effective January 5, 1973, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, May 8, 1980; Tuesday, May 13, 1980; Tuesday, May 20, 1980 and Tuesday, May 27, 1980 at 10:00 a.m. in Room 3D-326, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) concerning all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Pub. L. 92-332. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92-463, the Federal Advisory Committee Act, meetings may be closed to the public when they are "concerned with matters listed in section 552b. of Title 5, United States Code." Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency." (5 U.S.C. 552b. (c)(2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552b. (c)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that all portions of the meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 552b. (c)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552b. (c)(4)).

However, members of the public who may wish to do so are invited to submit material in writing to the Chairman concerning matters believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by writing the Chairman, Department of Defense Wage Committee, Room 3D-283, The Pentagon, Washington, D.C.


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

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 (1978), 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 7, 1980 from 1000 to 1200 and 1330 to 1600, in Room 3D973, The Pentagon, Washington, D.C.

The meeting will be open to the public.


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

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Energy Supply and Environmental Coordination Act, Intention To Rescind Prohibition Orders

The Department of Energy (DOE) hereby gives notice that, acting under the authority granted to it in Section 2(f) of the Energy Supply and Environmental Coordination Act of 1974 (ESECA), as amended (15 U.S.C. 792(f)) and implemented by 10 CFR § 303.330(b), it intends to rescind the Prohibition Orders issued on June 30, 1977, to the units named below. This action is taken in accordance with the provisions of 10 CFR Part 303, Subpart J ("Modification or Rescission of Prohibition Orders and Construction Orders") of the ESECA regulations.

1 Effective October 1, 1977, the responsibility for implementing ESECA was transferred by Executive Order No. 12308 from the Federal Energy Administration to the Department of Energy pursuant to the Department of Energy Organization Act (42 U.S.C. 7101 et seq.)
rescission action, DOE will consider all relevant information submitted to it or otherwise available to it.

Any information considered to be confidential by the person furnishing it must be so identified at the time of submission in accordance with 10 CFR 303.9(f). DOE reserved the right to determine the confidential status of the information and to treat it in accordance with the determination.

Question regarding this proposed action should be directed to DOE as follows: Steven A. Frank, ESECA Programs Branch, Department of Energy, Economic Regulatory Administration, Room 3318, 2000 M Street, NW., Washington, D.C. 20461 (telephone (202) 634-6538). Written questions should be identified on the envelope and in the correspondence with the designation set out above.


Issued in Washington, D.C., March 17, 1980
Robert L. Davies,
Assistant Administrator, Office of Fueels Conversion, Economic Regulatory Administration.

[FR Doc. 80-808 Filed 3-24-80; 8:45 am]
BILLING CODE 6410-51-M

[ERA Case No. 52855-1336-25-77]
Sunflower Unit S-5; Sunflower Electric Co-op., Inc.

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Determination to classify the Sunflower Electric Cooperative, Inc., Sunflower Unit S-5 as an existing facility.

SUMMARY: On June 7, 1979, Sunflower Electric Cooperative, Inc. (Sunflower) requested the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) to classify Sunflower Unit S-5 as an existing facility pursuant to 515.6 of the Revised Interim Rule to Permit Classification of Certain Powerplants and Installations as Existing Facilities (Revised Interim Rule) issued by ERA on March 15, 1979, Sunflower requested that ERA classify Sunflower's Unit S-5 as an "existing" facility. On November 8, 1979, ERA published a summary of Sunflower's request for classification in the Federal Register and requested comments by interested persons on or before November 29, 1979. ERA has received comments in support of Sunflower's request from the Federal Energy Regulatory Commission and the Kansas State Corporation Commission. ERA did not receive any comments in opposition to Sunflower's request.

(2) ERA has consulted with the Federal Energy Regulatory Commission, and the Kansas State Corporation Commission and has performed an analysis of the material submitted by Sunflower applicable to Sunflower Unit S-5. ERA has classified the unit as "existing" on the basis that there would be a significant impairment of system reliability. Due to transmission limitations, Sunflower's ability to provide reliable service without Sunflower Unit S-5 would be adversely affected within the meaning of Section 515.6 of the Revised Interim Rule.
Vaughn Petroleum, Inc.; Proposed Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of proposed Consent Order and opportunity for comment.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order and 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.


COMMENTS BY: April 24, 1980.

ADDRESS: Send comments to: Wayne L. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235.

FOR FURTHER INFORMATION CONTACT: Wayne L. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235.

SUPPLEMENTAL INFORMATION: On February 21, 1980, the Office of Enforcement of the ERA executed a proposed Consent Order with Vaughn Petroleum, Inc. of Dallas, Texas. Under 10 CFR Parts 210, 211, 212, to resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of crude oil sales, the Office of Enforcement, ERA, and Vaughn Petroleum, Inc., entered into a Consent Order, the significant terms of which are as follows:

II. Disposition of Refunded Overcharges

In this Consent Order, Vaughn Petroleum, Inc. 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 $1,250,000.00 within six months after the effective date of the Consent Order. Refunded overcharges will be in the form of a certified check 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 will result in the resolution 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 device 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 205.109(e).

III. Submission of Written Comments

A. Potential Claimants: Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established.

Federal Energy Regulatory Commission

[Docket No. CP80-272]

Cities Service Gas Co.; Application

March 19, 1980.

Take notice that on March 5, 1980, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP80-272 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction of certain pipeline taps, measuring, regulating and appurtenant facilities to
enable Applicant to render natural gas service to authorized local gas distribution companies for resale to seven right-of-way grantors, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to tap certain of its existing transmission pipeline and provide right-of-way service as follows:

(1) Tap Applicant’s Copan 3-inch transmission pipeline in Washington County, Oklahoma, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Dan Gallery.

(2) Tap Applicant’s Arkla 20-inch transmission pipeline in McDonald County, Missouri, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Larry Gardner.

(3) Tap Applicant’s Belle Plain 4-inch transmission pipeline in Sumner County, Kansas, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Billy R. Phipps.

(4) Tap Applicant’s Platte City 4-inch transmission pipeline in Platte County, Missouri, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Marvin Sloan.

(5) Tap Applicant’s Blackwell-Grubham 26-inch transmission pipeline in Kay County, Oklahoma, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Ettie Smith.

(6) Tap Applicant’s Ottawa-Sedalia 20-inch Loop transmission pipeline in Miami County, Kansas, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Archie G. Stiles.

It is stated that these sales would be made to The Gas Service Company for resale to the right-of-way grantors. Applicant further asserts that the annual sales for each rural domestic service would average approximately 250 Mcf.

Applicant states the estimated cost of the proposed construction would be $5,448 which would be paid from treasury cash.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 10, 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.

[Columbia Gulf Transmission Co. and Southern Natural Gas Co. Application]
March 19, 1980.

Take notice that on March 4, 1980, Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 883, Houston, Texas 77001, and Southern Natural Gas Company (Southern), P.O. Box 2553, Birmingham, Alabama 35202, filed in Docket No. CP80-267 a joint application pursuant to Section 7(g) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 17.8 miles of 16-inch pipeline and appurtenant facilities originating on a production platform in East Cameron Block 23 and extending to an onshore connection to be installed in Cameron Parish, Louisiana, on an existing 16-inch pipeline, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state Columbia Gulf is the sole owner of the existing 16-inch pipeline which extends from Cameron Parish, Louisiana, to a tie-in with its existing West Lateral line in Jefferson Parish, Louisiana. It is stated that the proposed facilities would have a capacity to handle the maximum anticipated volumes of gas to be produced from East Cameron Block 23, offshore Louisiana, estimated to be 62,000 Mcf per day. It is further stated that the facilities would be used to aid in the transportation of gas from the East Cameron area to a liquid separating plant to be constructed by Chevron U.S.A. Inc., one of the producers of the East Cameron area.

Applicants state the estimated cost of constructing the proposed facilities would be $9,450,600, which cost would be financed with working funds. It is stated that the facilities would be owned 75 percent by Columbia Gulf and 25 percent by Southern.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 10, 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.

[Docket No. CP80-267]
unnecessary for Applicants to appear or be represented at the hearing.
Kenneth F. Plumb,
Secretary.

[Docket No. G-15243]

El Paso Natural Gas Co.; Tariff Filing
March 19, 1980.

Take notice that on March 12, 1980, El Paso Natural Gas Company (El Paso) filed, pursuant to Part 154 of the Commission's Rules Under the Natural Gas Act, Fourth Revised Sheet No. 118 and Fifth Revised Sheet No. 119 to its FERC Gas Tariff, Third Revised Volume No. 2, which tariff sheets, when accepted for filing and permitted to become effective, will serve to revise Exhibit B attached to special Rate Schedule X-10 contained in said Tariff.

El Paso states that special Rate Schedule X-10 is comprised of the Vinegarone-Sonora Exchange Agreement ("Exchange Agreement") dated February 11, 1955, as amended, between El Paso and Northern Natural Gas Company ("Northern"), providing for the exchange of natural gas in Val Verde and Sutton Counties, Texas. El Paso further states that the subject tariff filing provides for the revision of Exhibit B to said rate schedule so as to include El Paso's interest in the Cauthorn 1-F well as a part of said Exchange Agreement, pursuant to a revised Exhibit B dated February 20, 1980, between the parties.

El Paso requested that the tendered tariff sheets be accepted for filing and permitted to become effective after thirty (30) days following the date of filing.

Any person desiring to be heard or to make any protest with reference to said tariff filing should, on or before April 3, 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).

Protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make any protestants parties to the proceeding. Any person wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[Docket No. CP80-274]

Mountain Fuel Supply Co. and Mountain Fuel Resources, Inc.; Application
March 19, 1980.

Take notice that on March 7, 1980, Mountain Fuel Supply Company (Mountain Fuel), 180 East First South Street, Salt Lake City, Utah 84139, and Mountain Fuel Resources, Inc. (Resources), 36 South State Street, Salt Lake City, Utah 84111, filed in Docket No. CP80-274 a joint application pursuant to Section 7 of the Natural Gas Act for permission and approval for the abandonment by Mountain Fuel, for Transfer to Resources, of certain interstate transmission facilities and appurtenances, gas purchase agreements, sales for resale, and other transmission services; and for a certificate of public convenience and necessity authorizing the acquisition and operations by Resources of the transmission facilities to be abandoned, and the continuation by Resources of the interstate sales and other transmission services to be abandoned by Mountain Fuel, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that the purpose of the application is to restructure Mountain Fuel's existing operations along functional lines, such that all interstate transmission operations would be in Resources, leaving intrastate distribution operations in Mountain Fuel. It is further stated that a companion application is concurrently forthcoming which would continue such restructuring to provide that Mountain Fuel's present and future exploration, development and production activities would be in Celsue Energy Company, a subsidiary of Resources.

Pursuant to the agreement of purchase and sale, the properties are proposed to be transferred and conveyed to Resources at depreciated book cost. Applicants further provide that the purchase price of the transferred facilities and properties will be payable by Resources through issuance of (1) common stock to Mountain Fuel and (2) an agreement to assume the responsibility for a portion of each of the outstanding issues of Mountain Fuel's long-term debt and preferred stock. It is stated that the amounts of the stock issued and the debt and preferred stock responsibility assumed would be calculated such that the resulting capital structure of Resources would be reasonably identical to that of Mountain Fuel.

It is further stated that the proposed restructuring of the transmission function would reflect the changing nature of Mountain Fuel's transmission system to transport gas for other interstate pipelines, and should serve to reduce the transmission costs paid by consumers presently served thereto.

It is asserted that two agreements between Mountain Fuel and Resources provide the basis for the proposed restructuring of the interstate transmission function. Applicants state the agreement of purchase and sale dated March 5, 1980, sets forth the terms of the sale of the subject facilities and other properties from Mountain fuel to Resources. Applicants further state that two service agreements dated March 5, 1980, set forth the terms pursuant to which Resources would render sales for resale to Mountain Fuel's distribution markets in Utah and Wyoming in continuation of the transmission service to be abandoned by Mountain Fuel. It is asserted that the purchase price of the subject facilities is net depreciated book cost.

It is stated that in order to accomplish the proposed transfer, only minor metering and regulating facilities would be constructed at a total cost of $104,130, which 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 10, 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, the Commission, on or before July 1, 1980, will hold a public hearing at the times and places specified in the application.
Municipal Energy Agency of Mississippi; Application for Preliminary Permit

March 19, 1990.

Take notice that on February 5, 1990, the Municipal Energy Agency of Mississippi (MEAM) filed an application for preliminary permit pursuant to the Federal Power Act, 18 U.S.C. Section 791(a)-825(r), for proposed Project No. 3036 to be known as the North Mississippi Flood Control Water Power Project in DeSoto, Tate, Panola, LaFayette, Yalobusha, and Grenada Counties, Mississippi. The project would consist of four developments each utilizing an existing Corps of Engineers flood control dam. The developments would be located on the Coldwater, Tallahatchie, Yocona, and Yalobusha Rivers, respectively.

Correspondence with the Applicant should be addressed to Richard W. Webster, Jr., Chairman, Municipal Energy Agency of Mississippi, P.O. Box 866, Greenwood, Mississippi 38930.

Purpose of the Project—Power generated by the project would be marketed by MEAM to its member cities.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would perform surveys and geologic investigations, negotiate with the U.S. Army Corps of Engineers for water rights at the project, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the projects, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be less than $200,000.

Project Description.—The North Mississippi Flood Control Water Power Project would consist of the following four developments:

(a) The Arkabutla development located near Coldwater, Mississippi would utilize the Corps' existing Arkabutla flood control dam and reservoir on the Coldwater River, and would consist of a new powerhouse containing turbine-generator units with a total rated capacity of from 4 to 10 MW. The Arkabutla development would generate up to 24,000 MWh annually;

(b) The Sardis development located near Sardis, Mississippi would utilize the Corps' existing Sardis flood control dam and reservoir on the Tallahatchie River and would consist of a new powerhouse containing turbine-generator units with a total rated capacity of from 8 to 22 MW. The Sardis development would generate up to 60,000 MWh annually;

(c) The Enid development located near Enid, Mississippi would utilize the Corps' existing Enid flood control dam and reservoir on the Yacona River and would consist of a new powerhouse containing turbine-generator units with a total rated capacity of from 3 to 8 MW. The Enid development would generate up to 18,000 MWh annually;

(d) The Grenada development located near Grenada, Mississippi would utilize the Corps' existing Grenada flood control dam and reservoir on the Yalobusha River and would consist of a new powerhouse containing turbine-generator units with a total rated capacity of from 8 to 14 MW. The Grenada development would generate up to 45,000 MWh annually.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information needed to prepare an application for a license.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of the permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 19, 1990, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 18, 1990. A notice of intent must conform with the requirements of 18 C.F.R. 4.53 (b) and (c), as amended 44 Fed. Reg. 61328, October 25, 1979. A competing application must conform with the requirements of 18 C.F.R. 4.53 (a) and (d), as amended, 44 Fed. Reg. 61328, October 25, 1979.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, Section 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in Section 1.10 for protests. In determining the appropriate action to take, the Commission will consider protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before May 19, 1990. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426.

The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,
Secretary.
Take notice that on March 7, 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 $75 million of First Mortgage Bonds and exempting the issuance thereof from the competitive bidding requirements of Section 34.1a of the Commission’s Regulations.

Any person desiring to be heard or to make any protest with reference to this application should, on or before April 7, 1980, file with the Commission, 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 Rules. The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb, Secretary.
Compressor Station would reach the Bistineau tap at only approximately 882 psig. In order to match the delivery pressure of the gas withdrawn from Bistineau Storage Field, the gas flowing from the Cartage Junction must, it is asserted, be compressed to 530 psig in the vicinity of the Bistineau tap. Accordingly, Applicant proposes to construct and operate the 1,300 horsepower Ringgold Compressor Station at a point on its Cartage-Sterlilton line near the Bistineau tap.

The estimated cost of the proposed Ringgold Compressor Station is $2,526,319, to be financed from funds on hand and/or short-term bank loans. The estimated cost of the proposed Cartage Junction Compressor Station is $5,279,976, also to be financed from funds on hand and/or short-term bank loans.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 10, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20436, 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 3 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.

[S酚 Doc. 80-5056 Filed 3-31-80; 8:45 am] BILLING CODE 4140-85-M

Southwestern Power Administration

System Power Rate Extension; Notice of Order Extending Confirmation and Approval of Power Rates on an Interim Basis

AGENCY: Department of Energy, Southwestern Power Administration.

ACTION: Notice of Power Rate Order.

SUMMARY: The Assistant Secretary for Resource Applications has extended, on an interim basis, the effective period for Rate Orders of the Southwestern Power Administration. This action is authorized under Delegation Order No. 6228-33, 43 FR 60580 (December 29, 1978) and provides a 12-month continuation of the System Rates that have been in effect on an interim basis since the issuance of Rate Order No. SWPA-1. The System Rates are pending final confirmation and approval of the Federal Energy Regulatory Commission (FERC) while in effect on an interim basis, and are authorized by Rate Order No. SWPA-4 to remain in effect on an interim basis until a decision is reached by the FERC regarding their adequacy, unless the time required for FERC review exceeds the 12-month extension or action is taken by the FERC to establish the System Rates or substitute rates on a final basis. In the event final FERC action has not materialized within the 12-month extension provided by Rate Order No. SWPA-4, future extensions of the System Rates on an interim basis by the Assistant Secretary for Resource Applications are not limited.

EFFECTIVE DATES: Rate Order No. SWPA-4 specifies April 1, 1980, as the effective date for a 12-month extension of Rate Schedules P-3, F-2, F-3, EE-2, IC-2, and Section 2 of the Tex-La Electric Cooperative, Inc. Contract No. 14-02-001-064.

FOR FURTHER INFORMATION CONTACT:

Walter M. Bowers, Chief, Division of Power Marketing, Southwestern Power Administration, Department of Energy, P.O. Drawer 1619, Tulsa, Oklahoma 74101, (918) 597-7539.


SUPPLEMENTARY INFORMATION: The present System Rates were approved initially on an interim basis March 1, 1979, by the Assistant Secretary for Resource Applications through Rate Order No. SWPA-1 and became effective April 1, 1979, for one year unless an extension occurred or unless the Federal Energy Regulatory Commission confirmed and approved these or substitute rates on a final basis. The extension provided in Rate Order No. SWPA-4 was necessary to enable the present System Rates to remain effective after March 31, 1980, which was the date specified in the initial interim approval by the Assistant Secretary for Resource Applications for expiration of the current System Rates without the benefit of an extension by the Assistant Secretary for Resource Applications or final action by the Federal Energy Regulatory Commission. Rate Order No. SWPA-4 did not provide for any change in the structure of the System Rates from that contained in Rate Order No. SWPA-1. Neither were the Aluminum Contract Rates affected by Rate Order No. SWPA-4 since Rate Order No. SWPA-1 provided January 1, 1979, as their effective date for a period of 5 years.


Ruth M. Davis, Assistant Secretary, Resource Applications.

Assistant Secretary for Resource Applications

[Rate Order No SWPA-4]

Order Extending Confirmation and Approval of Power Rates on an Interim Basis

March 19, 1980.

In the matter of: Southwestern Power Administration—system rates; aluminum contract rates.

Pursuant to Sections 302(a) and 301(b) of the Department of Energy Organization Act, Pub. L. 85-91, the functions of the Secretary of the Interior and the Federal Power Commission under Section 5 of the Flood Control Act of 1944, 16 U.S.C. 825s, relating to the Southwestern Power Administration (SWPA) were transferred to and vested in the Secretary of Energy. By Delegation Order No. 0204-33, effective January 1, 1979, 43 FR 60580 (December 29, 1978) the Secretary of Energy delegated to the Assistant Secretary for Resource Applications the authority to develop and transmit assignment rates, acting by and through the Administrator, and to confirm, approve, and place in effect such rates on an interim basis,
provided responses to the major following five Rate Schedules and one approved on an interim basis, the
to accomplish repayment.
order confirmed, approved and placed in
offered during the comment period. The
comments, criticisms and alternatives
by
rates which were confirmed, approved
incorporated in developing the revised
numerous and varied questions and.
public participation process produced
Notices published during
comment on the development-of new
Contract Rates in Section 1.05(A) and
Contract Rate in Section 2, Contract No.
Rate Schedule
Rate Schedule
Rate Schedule P-2 (Revised), Peaking Power
Rate Schedule P-2 Firm Power from
Integrated System
Rate Schedule P-3, Firm Power through
Oklahoma Utility Companies
Rate Schedule EE-2, Excess Energy
Rate Schedule IC-2, Interruptible
Capacity
Contract No. 14-02-001-684, Section 2, Tex-La Electric Cooperative (through
TP\&L).
These rates were to remain in effect on an interim basis for a period of 12 months unless such period were
extended or until the FERC confirmed and approved these or substitute rates on a final basis.
Also confirmed and approved on an interim basis, effective January 1, 1979, was the application of Rate Schedule P-
3 under Section 1.05(A) of Contract No. Isa-514, Arkansas Power & Light Company/Reynolds Metals Company
(Aluminum Contract), to power and energy sales provided under Section 1.02 of that contract, and the application of Rate Schedule EE-2 under Section 1.06 to secondary energy sales provided under Section 1.04 of that contract.
These rates were to remain in effect on an interim basis for five years or until the FERC confirmed and approved these or substitute rates on a final basis.
Discussion
The FERC has informed us that
confirmation and approval of Federal
power rates on a final basis normally
can be expected within a year. Due to the extraordinary number of Federal
case power rate orders submitted to the FERC within the past calendar year, it is
apparent that this schedule cannot be
met. It is necessary, therefore, for the
Assistant Secretary for Resource
Applications to extend interim approval of
the SWPA Integrated System Rate
Schedules and the Tex-La Electric
Cooperative Contract Rate for an
additional 1-year period. Because the
Aluminum Contract Rates were
confirmed and approved on an interim
basis for a 5-year period, they require no
extension.
Order
In view of the foregoing and pursuant
to the authority delegated to me by the
Secretary of Energy, I hereby extend
confirmation and approval on an interim
basis, effective April 1, 1980, of Rate
Schedules P-3, F-2, F-3, EE-2, IC-2 and
the Contract Rate under Section 2 of the
Tex-La Electric Cooperative, Inc.
Contract No. 14-02-001-684. These rates shall remain in effect on an interim
basis for a period of 12 months unless such period is again extended or until
the FERC confirms and approves these or substitute rates on a final basis.
Issued at Washington, D.C., the 10th day of March 1980.
Ruth M. Davis,
Assistant Secretary, Resource Applications.
[FR Doc. 80-0006 Filed 3-24-80; 8:45 am]
BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1445-5]
Approval of PSD Permit to Pendleton Construction Corp.

Notice is hereby given that on January 2, 1990, the Environmental Protection Agency issued a Prevention of
Significant Deterioration (PSD) permit to Pendleton Construction Corp. for approval to construct an asphalt
concrete plant in Lynchburg, Virginia.
This permit has been issued under
PSD
The PSD permit is reviewable under
Section 307(b)(1) of the Clean Air Act
only in the Fourth Circuit Court of
Appeals. A petition for review must be
filed on or before May 27, 1990.
Copies of the permit are available for
public inspection upon request at the
following location:
Air Programs Branch, Environmental
Protection Agency, Region III, 6th & Walnut
Streets, Philadelphia, PA 19106. Attention:
Mr. Robert J. Blaszczak (215-597-6160).
Jack J. Schramm,
Regional Administrator, EPA—Region III.
[FR Doc. 80-0034 Filed 3-24-W, 8:45 am]
BILLING CODE 6560-01-M

[FRL 1445-6]
Approval of PSD Permit to S & S
Asphalt Corp.

Notice is hereby given that on
November 2, 1979, the Environmental Protection Agency issued a Prevention of
Significant Deterioration (PSD) permit to S & S Asphalt Corporation for
approval to construct and operate an
asphalt batch plant in Berkeley County, West Virginia.

This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations applicable to the asphalt batch plant subject to certain conditions, including the following emission limitation: 1. Particulate matter shall not exceed 0.04 g def/c and 5.42 lbs/hr.

The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Fourth Circuit Court of Appeals. A petition for review must be filed on or before May 27, 1980.

Copies of the permit are available for public inspection upon request at the following location: Air Programs Branch, Environmental Protection Agency, Region III, 6th & Walnut Streets, Philadelphia, PA 19106.

Attention: Mr. Robert J. Blaszczak
(215-597-8186).

Jack J. Schramm,
Regional Administrator, EPA, Region III.

[FR Doc. 80-8664 Filed 3-24-80; 8:45 am]
BILLING CODE 6560-01-M

[FRL 1445-2]

Approval of PSD Permit to International Metals Reclamation Co. (INMETCO)

Notice is hereby given that on October 2, 1979, the Environmental Protection Agency issued an Approval of Significant Deterioration (PSD) permit to INMETCO for approval to construct a metals reclamation facility in Ellwood City, Pennsylvania.

This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations applicable to the metals reclamation facility subject to certain conditions, including the following emission limitations:

The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Third Circuit Court of Appeals. A petition for review must be filed on or before May 27, 1980.

Copies of the permit are available for public inspection upon request at the following location: Air Programs Branch (3AH10), Environmental Protection Agency, Region III, 6th & Walnut Streets, Philadelphia, PA 19106.

Attention: Mr. Robert J. Blaszczak
(215-597-8186).

Jack J. Schramm,
Regional Administrator, EPA, Region III.

[FR Doc. 80-8664 Filed 3-24-80, 8:45 am]
BILLING CODE 6560-01-M

[FRL 1445-3]

Approval of PSD Permit to International Minerals & Chemical Corp. (IMC)

Notice is hereby given that on September 12, 1979, the Environmental Protection Agency issued a Prevention of Significant Deterioration (PSD) permit to IMC for approval to construct and operate a new formaldehyde plant in South Whitehall Township, Lehigh County, Pennsylvania.

This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations applicable to the new formaldehyde plant subject to certain conditions, including:

Emission Limitations: Emissions shall not exceed the following limits:

<table>
<thead>
<tr>
<th>Hydrocarbons</th>
<th>Carbon monoxide</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Catalytic afterburner</td>
<td>10 lb/hr and 20 lb/hr and new formaldehyde plant</td>
</tr>
<tr>
<td>b. Low 10200 gallon</td>
<td>0.04 lb/hr and formaldehyde storage</td>
</tr>
<tr>
<td>c. New 10200 gallon</td>
<td>0.18 lb/hr and molecular storage tank</td>
</tr>
</tbody>
</table>

2. The catalytic afterburner shall maintain a minimum temperature of 900°F during plant operation with a retention time at this temperature of 0.3 seconds or more. Continuous temperature sensing devices are required at the inlet and outlet of the catalytic converter and a record indicating operating conditions shall be kept.

The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Third Circuit Court of Appeals. A petition for review must be filed on or before May 27, 1980.

Copies of the permit are available for public inspection upon request at the following location: Air Programs Branch (3AH10), Environmental Protection Agency, Region III, 6th & Walnut Streets, Philadelphia, PA 19106.

Attention: Mr. Robert J. Blaszczak
(215-597-8186).

Jack J. Schramm,
Regional Administrator, EPA, Region III.

[FR Doc. 80-8664 Filed 3-24-80, 8:45 am]
BILLING CODE 6560-01-M

[FRL 1445-4]

Approval of PSD Permit to Maryland Materials, Inc.

Notice is hereby given that on October 4, 1979, the Environmental Protection Agency issued a Prevention of Significant Deterioration (PSD) permit to Maryland Materials, Inc. for approval to modify a stone-crushing facility in Cecil County, Maryland.

This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations applicable to the stone-crushing facility subject to certain conditions, including:

1. For particulate matter control, the following processing rates and emission limitations shall not be exceeded:

<table>
<thead>
<tr>
<th>Process rate</th>
<th>Particulate emissions</th>
<th>tons of stone crushed per rate lbs/hr.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary crushing</td>
<td>500</td>
<td>12.5</td>
</tr>
<tr>
<td>Secondary crushing and screening</td>
<td>55</td>
<td>34.1</td>
</tr>
<tr>
<td>Secondary crushing and screening</td>
<td>425</td>
<td>31.9</td>
</tr>
<tr>
<td>Tertiary crushing and screening</td>
<td>1000</td>
<td>6.48</td>
</tr>
</tbody>
</table>

Total: 84.98

2. The maximum annual capacity of stone crushed at this facility shall not exceed 1,125,000 tons per year. Production records shall be maintained.

Copies of the permit are available for public inspection upon request at the following location: Air Programs Branch (3AH10), Environmental Protection Agency, Region III, 6th & Walnut Streets, Philadelphia, PA 19106.

Attention: Mr. Robert J. Blaszczak
(215-597-8186).

Jack J. Schramm,
Regional Administrator, EPA, Region III.

[FR Doc. 80-8664 Filed 3-24-80, 8:45 am]
BILLING CODE 6560-01-M
Approval of PSD Permit to Berks Products Corp.

Notice is hereby given that on September 12, 1979, the Environmental Protection Agency issued a Prevention of Significant Deterioration (PSD) permit to Berks Products Corporation for approval to construct a drum mix asphalt plant in Temple Township, Berks County, Pennsylvania. This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations applicable to the drum mix asphalt plant subject to certain conditions, including:
1. Emission control equipment shall be as specified in the application.
2. Particulate matter emissions shall not exceed 1.0 lb/hr from the unloading station and 0.5 lb/hr from the grinding and blending station.

The PSD Permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Third Circuit Court of Appeals. A petition for review must be filed on or before May 27, 1980.

Copies of the permit are available for public inspection upon request at the following location: Air Programs Branch (SAH10), Environmental Protection Agency, Region III, 6th and Walnut Streets, Philadelphia, PA 19106.

Attention: Mr. Robert J. Blaszczak (215-597-8186).

Jack J. Schramm, Regional Administrator, Region III.
FR Doc. 79-5926 Filed 3-24-80; 8:45 am
BILLING CODE 6560-01-M

Premanufacture Notice; Extension of Review Period

Agency: Environmental Protection Agency (EPA).

Action: Notice.

Summary: On December 13, 1979, EPA received six premanufacture notices (PMN's), submitted under section 5 of TSCA. EPA assigned them the identification numbers SAHQ-1279-6079, 0968, 0981, 0982, 0983, and 0984. The PMN's describe six related chemical substances that would be used as plasticizers for polyvinyl chloride (PVC) plastics. The manufacturer requested that its company name be kept confidential.

In reviewing these PMN's and other information pertinent to the new chemical substances, EPA has found that good cause exists under section 5(e) of TSCA to extend the notice review period for the following reasons:

1. EPA is concerned about potential risks associated with the substances, especially regarding environmental release and exposure and possible toxicity to aquatic organisms;
2. EPA needs more time to determine whether regulatory controls respecting these new chemical substances are necessary, especially regarding what further information and data are needed to evaluate the risks that the new chemical substances may present.


Supplementary Information:

Background

Under section 5 of TSCA, any person who intends to manufacture or import into the United States a new chemical substance for commercial purposes must submit a premanufacture notice (PMN) to EPA at least 90 days prior to commencement of such manufacture or import. On December 13, 1979, EPA received six PMN's describing six new chemical substances that are to be used as plasticizers for polyvinyl chloride (PVC) plastics. The manufacturer has asked EPA to keep its identity confidential. The new chemical substances described in the PMN's are as follows:
Pursuant to section 5(d)(2) of TSCA, EPA published a summary of the six PMN's in the Federal Register on December 28, 1979 (44 FR 78856). In addition to its corporate identity, the submitter claimed certain process-related information (such as impurities and manufacturing block diagram) and projected production volumes to be confidential.

During the initial evaluation of the PMN substances, EPA staff reviewed the information that was submitted in the PMN's and that was supplied during telephone conversations with the manufacturer. Also during this period the Agency conducted literature searches on the PMN substances, on structurally similar substances (structural analogues), and on substances with similar use patterns.

EPA assessed all information and data thus collected to extract information on seven major areas of potential concern: process chemistry, use, worker and consumer exposure, environmental release, health effects, environmental fate, and ecological effects. The Agency also considered other factors such as economics and technological innovation that are not directly related to its assessment of the risk presented by the PMN substances to human health or to the environment. When this initial screening of the substances was completed, EPA concluded that it needed to study further certain areas that were central to the Agency's assessment of the risks that the PMN substances may present to human health and the environment. For this reason, the PMN's were entered into another series of analyses, the Detailed Review process, and EPA staff conducted detailed examinations of the following: (1) The degree to which structural analogues of the PMN chemicals could be relied upon to assess the risks presented by the new chemicals; (2) the nature and character of those risks; and (3) the exposures associated with the PMN substance.

Summary of Information on the PMN Substances

The PMN substances are clear yellow liquids with specific gravities ranging from 1.06 to 1.30. EPA described the substances in detail in the December 28 Federal Register notice (44 FR 78856). They will be entering a large and well-established market as plasticizers for PVC plastics and will be competing with existing alkyl phthalate plasticizers.

Plasticizers are used to give flexibility to a variety of plastic products (such as plastic wraps, garden hoses, and floor tiles). In the case of PVC plastics, the liquid plasticizers are blended with either a powdered or pelleted form of the PVC resin, and the resulting PVC plastic (generally in rod or pellet form) is then molded into the final products. Usually, four different companies would be involved in this process—the producer of the plasticizer, the producer of the bulk PVC resin, the producer of the bulk PVC plastic, and the producer of the plastic products. When the final products have outlived their useful lives, they are disposed of by incineration or landfill. These PVC articles may contain as much as 70 percent plasticizer by weight. EPA has no direct data on the extent to which the PMN substances will be released into the environment. However, available monitoring data for existing alkyl phthalates have found these substances to be present at significant levels in a wide variety of environmental samples, including ambient water and air, food, and drinking water.

EPA has examined the potential for human exposure to the PMN substances as plasticizers at all stages of their life cycles. During initial production, workers will be exposed to the PMN substances chiefly through dermal contact, but also through low-level inhalation (the submitter has claimed the exact number of workers involved to be confidential). The low vapor pressure of the plasticizer reduces the likelihood of exposure from this latter route. The number of workers involved in the two stages of processing is substantially larger: EPA estimates that 300 to 400 people could be exposed to the plasticizers during the manufacture of the PVC plastic, and as many as 1,000 to 10,000 workers could be exposed during the manufacture of PVC articles. Because both processing steps occur at elevated temperatures, the risk of inhalation exposure is increased. With regard to consumer exposure, EPA expects a high potential for low-level dermal exposure to the plasticizer, a small quality of which will leach from the plastic articles during use by consumers.

Despite the significant potential for environmental release of and human exposure to the PMN substances, the manufacturer has submitted no data relevant to their persistence or bioaccumulation in the environment, effects on aquatic organisms or biota, effects on non-target organisms, or effects on human health. In the absence of such data, EPA evaluated the PMN chemicals on the basis of available data on structurally analogous dialkyl phthalates.

EPA is concerned with the potential risks the new chemicals may present to ecological populations, particularly with respect to the potential for bioconcentration and for causing both acute and chronic effects on juvenile fish and aquatic invertebrates. This concern is based upon a review of data about several dialkyl phthalates (esters of mono alcohols) that the Agency considers to be good structural analogues of the PMN chemicals. The PMN substances have anticipated high octanol/water partition coefficients, low water solubilities, and reduced rates of metabolic breakdown. Therefore EPA expects the new substances to exhibit the same or greater potential for bioconcentration in plants and aquatic invertebrates than the analogous dialkyl phthalates. Likewise, based upon structural similarities, estimated octanol/water partition coefficients, and other analogous features, EPA expects the new substances to be as toxic or more toxic to aquatic invertebrates and juvenile fish than the existing dialkyl phthalates. There are indications that such toxic effects in the aquatic environment can occur at very low concentrations—in the range of parts per billion, the concentrations at which dialkyl phthalates are now being found in natural waters. EPA also expects the new substances to behave like the analogous phthalates in terms of their environmental transport and fate; for example the PMN compounds are expected to adsorb strongly to soil and sediments. These substances are expected to degrade slowly in the environment.

Underscoring the Agency's concern in these areas is the recommendation by the Interagency Testing Committee (ITC), established under section 4(e) of TSCA, that dialkyl phthalates be tested for environmental effects under TSCA section 4 testing rules. In addition to its concern about the high production
volume of dialkyl phthalates, the ITC based its recommendation upon the potential for environmental release, environmental persistence, and aquatic toxicity. With the exception of the production volume issue, these same concerns hold for the PMN substances.

The submitter also provided no information or data in the PMN's concerning health effects of the PMN substances. Again, therefore, EPA based its assessment of those effects on available data for dialkyl phthalates structurally analogous to the PMN substances. Studies conducted with dialkyl phthalates have shown certain of these compounds to be capable of causing decreased fertility and embryonic abnormalities in laboratory animals. Other effects demonstrated in the laboratory include mutagenicity, possible hepatotoxicity, and disruption of energy metabolism. Possible neurological effects were suggested in an epidemiological study. In most of the studies in which these effects were demonstrated, however, high doses of the compounds, approaching the LD₅₀ for the test species, were required to produce the effects.

While the precise extent of the risk and any potential benefits cannot be confirmed without appropriate test data, the Agency's concern about potential health effects presented by the new chemical substances is mitigated by physical and chemical data that indicate that direct human exposure to these substances is likely to be less than exposure to existing dialkyl phthalate plasticizers. This is based upon data submitted by the manufacturer that show that the new chemicals are less extractable into hexane and are lost from the plastic upon heating less readily than an existing diocyl phthalate plasticizer. Based upon these data, the Agency's knowledge about existing dialkyl phthalates, and the assumptions that the new substances will be metabolized within the body at a rate similar to the dialkyl phthalates and that the new substances present no unique human toxicological effects, there should be reduced exposure and a reduced likelihood of absorption of the new substances from the gastrointestinal tract. Therefore, based on available data, the PMN chemicals present are not expected to present a greater risk of adverse human health effects than the existing dialkyl phthalate plasticizers.

Extension of the Notice Review Period

In general, section 5 provides that EPA must complete its review of a PMN within 90 days of its receipt by the Agency. However, under section 5(c) for good cause EPA may extend the notice period for additional periods, not to exceed an aggregate of 90 days. EPA proposed rules to implement the premanufacture notification authority given it by TSCA published in the Federal Register of January 10, 1979 (44 FR 2263), Section 720.35 of the proposed regulations addressed the section 5(c) extension in which EPA believed there would be good cause to extend the notice period. Although EPA has not yet promulgated these rules, the provisions of the proposal that is applicable in this case that:

- EPA has received the notice and has determined that there is a significant possibility that the chemical will be regulated under section 5(c) or section 8(f) of the Act, but the Agency is unable to initiate regulatory action within the initial 90-day period (44 FR 2273).

On the basis of the concerns raised during EPA's evaluation of the PMN substances, and because of the limited time before the end of the review period (which closes on March 12, 1980), EPA has determined that good cause exists to extend the notice period for an additional 45 days, until April 28, 1980.

During the additional 45 days, EPA will:
1. Evaluate the need for additional data on the PMN substances,
2. Examine possible control options, and
3. Determine the need for control in the light of EPA's concerns about the PMN substances.

Extension of the notice period preserves EPA's authority to initiate a regulatory action, if the Agency's deliberations conclude that such an action is appropriate.

The PMN's, summaries of communications between the submitter and EPA, and other written material are available for public inspection in Room 447 East Tower at EPA's headquarters address given above. The public record is available from 8 a.m. to 4 p.m. on normal business days. All information that the manufacturer has claimed to be confidential has been deleted from the documents in the public record.

Dated: March 12, 1980.

Steven D. Sellinek,
Assistant Administrator for Pesticides and Toxic Substances.

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BILLING CODE 6560-01-M
analyzed mutually exclusive applications. Both applicants have specified the deleted
facilities of Station WCLY.

2. Columbia Broadcasting Corporation. Analysis of the financial
data submitted by Columbia Broadcasting Corporation (hereafter Columbia Broadcasting) reveals that $34,723 will be required to construct the
proposed station and operate for three
months, itemized as follows:

<table>
<thead>
<tr>
<th></th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Equipment down payment</td>
<td>2,777</td>
</tr>
<tr>
<td>Equipment payments with interest</td>
<td>2,350</td>
</tr>
<tr>
<td>Building</td>
<td>1,000</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>11,000</td>
</tr>
<tr>
<td>Operating costs</td>
<td>17,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>4,723</strong></td>
</tr>
</tbody>
</table>

Columbia Broadcasting plans to
finance construction and operation with the following funds: $30,000 new capital,
a $40,000 bank loan, and $10,000
advertising revenues. However, the
balance sheet submitted by principals
Ralph H. Gaze and Ted and Lynne
Perkins do not show the availability of
sufficient net liquid assets to support
their commitments, which total $30,000.

The exact amount of net liquid assets
cannot be determined since these
balance sheets do not segregate current
and long-term liabilities and do not
itemize the securities they show. The
applicant apparently is relying on a June
30, 1978 letter from National Central
Bank, Lancaster, Pennsylvania for its
$40,000 bank loan. This letter states that
approval of the loan application will be
withheld until receipt of satisfactory
financial statements and collateral, and
thus does not show reasonable
assurance that the loan will be
forthcoming. Next, the applicant cannot
rely on anticipated advertising revenues.

Financial Qualifications Standards for
Aural Broadcast Applicants, 69 FCC 2d
407, 1101 (1978); Amber
Productions, Inc., FCC 79-549, 46 RR 2d
449 (1979). Finally, the following
necessary documentation has not been
submitted: (1) A stock subscription
agreement from Lynne Perkins, (2) a
current balance sheet of the corporation,
(3) a copy of the transmitter site and
equipment lease, and (4) a copy of the
studio lease. A general financial issue
will be specified.

3. Columbia Broadcasting has also
failed to comply with the requirements
of the Primer on Ascertainment of
Community Problems by Broadcast
Applicants, 27 FCC 2d 650, 21 RR 2d
1307 (1971). From the information before
us, it appears that the applicant has
failed to survey leaders of significant
population groups set forth in its
demographic study as required by
Questions and Answers 10 and 13(a) of
the Primer. For example, no leaders of
blacks, labor, or agriculture were
interviewed. A limited ascertainment
issue will be specified.

Analysis of the financial data submitted
by Columbia Radio Broadcasting, Inc.
(hereafter Columbia Radio) reveals that $28,037 had been budgeted to construct
the proposed station and operate for
three months, itemized as follows:

<table>
<thead>
<tr>
<th></th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Equipment</td>
<td>$1,900</td>
</tr>
<tr>
<td>Building</td>
<td>950</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>12,800</td>
</tr>
<tr>
<td>Operating costs</td>
<td>11,987</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>38,027</strong></td>
</tr>
</tbody>
</table>

Columbia Radio's estimated costs
include $1,050 for lease of the antenna
and site. However, the lease agreement
provides that Columbia Radio pay $200
per month for the period from November
1, 1978 to June 1, 1979, and $350 per
month from June 1, 1979 to June 1, 1982.

Accordingly, even assuming that
Columbia Radio could construct and
commence operation now, its lease cost
would be at least $5,000. In addition, the
applicant plans to obtain studio facilities
for obtaining a studio facility and has not
submitted an itemization of its costs of
operation for the first three months.

Columbia Radio plans to finance
construction and operation with $4,558
existing capital and new capital of
$30,250. Principal Gordon Mould would
rely on a bank loan to meet his $2,250
commitment, but the bank's letter fails
to contain the necessary terms regarding
rate of interest, collateral, if any, and
repayment. A general financial issue
will be specified.

5. Columbia Radio has also failed to
comply with the requirements of the
Primer, supra, by failing to survey
leaders of significant population groups
set forth in its demographic study. No
leaders of groups representing blacks,
women, labor, or agriculture were
interviewed. In addition, Question and
Answer 6 of the Primer requires
applicants to ascertain the problems of
major communities outside the cities of
license they seek to serve. Question and
Answer 7 states that ascertainment in
such communities should consist of
consultations with leaders who can be
expected to have a broad overview of
community problems. In the alternative,
if an applicant chooses not to serve a
community, it must explain why.

Columbia Radio's application indicates
that Mount Joy (population 5,041) and
Wrightsville (population 2,668) are
within the proposed service area.
Considering the size of the proposed
community of license (12,263 in 1970),
Mount Joy and Wrightsville appear to be
major communities as contemplated by
the Primer. Since the applicant has
neither interfered with the appointment of
leaders in Mount Joy and Wrightsville nor
explained why it does not intend to
serve these communities, a limited
ascertainment issue will be specified.

6. Except as indicated by the issues
specified below, the applicants are
qualified to construct and operate as
proposed. However, since the proposals
are mutually exclusive, they must be
designated for hearing in a consolidated
proceeding.

7. Accordingly, it is ordered, That,
pursuant to Section 306(e) of the
Communications Act of 1934, as
amended, the applications are
designated for hearing in a consolidated
proceeding, at a time and place to be
specified in a subsequent Order, upon
the following issues:

1. To determine whether Columbia
Broadcasting Corporation is financially
qualified to construct and operate the
proposed station.

2. To determine whether Columbia
Broadcasting Corporation interviewed
leaders of blacks, labor, and agriculture
in connection with its ascertainment
effort.

3. To determine whether Columbia
Radio Broadcasting, Inc. is financially
qualified to construct and operate the
proposed station.

4. To determine with respect to the
efforts of Columbia Radio Broadcasting,
Inc. to ascertain the needs of its
proposed service area:

(a) Whether the applicant interviewed
leaders of blacks, women, labor, and
agriculture; and

(b) Whether the applicant has
adequately ascertained community
problems outside its proposed
community of license.

5. To determine which of the
proposals would, on a comparative basis,
better serve the public interest.

6. To determine, in the light of the
evidence adduced pursuant to the
foregoing issues, which, if either, of the
applications should be granted.

7. It is further ordered, that, to avail
themselves of the opportunity to be
heard, the applicants herein shall,
pursuant to § 1 221(2) of the
Commission's rules, in person or by
attorney, within 20 days of the mailing
of this Order, file with the Commission
in triplicate a written appearance stating
an intention to appear on the date fixed
for the hearing and to present evidence
on the issues specified in this Order.

8. It is further ordered, That the
applicants herein shall, pursuant to
§ 311(e)(2) of the Communications Act
of 1934, as amended, and § 73.3594 of
the Commission's rules, give notice of
the hearing (either individually or, if
feasible, jointly) within the time and in
the manner prescribed in such Rule, and
shall advise the Commission of the...
Further, applicant has allocated only
stockholders are defective. It is not
the balance sheets of the other two
furnished for stockholder Johnson, and
amount, rate of interest, terms of
agreements have been submitted
according to the application, no written
stockholder is to lend
capital and
and operation with
equipment it proposes to lease and rent.

However, Temujin has not documented
its proposed station and operate for
three months, itemized as

| Lease and rental costs during construction | $2,656 |
| Building | 500 |
| Miscellaneous | 4,171 |
| Operating costs (three months) | 18,279 |
| **Total** | **25,606** |

However, GTI has not submitted any
documentation to support the
availability or cost of the realty and
equipment it proposes to lease and rent.
Further, applicant has allocated only
$1,000 for legal expenses, an amount
clearly insufficient to meet the actual
cost of a comparative hearing.

3. GTI plans to finance construction and operation with $5,000 in existing capital and $75,000 in loans from its stockholders. However, while each stockholder is to lend GTI $25,000, according to the application, no written agreements have been submitted evidencing binding obligations on their part to extend credit, and showing the amount, rate of interest, terms of repayment, and any security required.

Further, no balance sheet has been
delivered for stockholder Johnson,
and the balance sheets of the other two
stockholders are defective. It is not
possible to determine whether stockholder Eck's current assets exceed
his current liabilities since neither his
liabilities nor all of his receivables are
grouped into long- and short-term
categories. Therefore, by Paragaraph
4(b), Section III of the application form.
It is also not possible to determine the
total amount of stockholder Goddard's
current liabilities since the current
portions of his mortgage liabilities are
not separately stated, and in any event
his balance sheet does not show
sufficient net current assets to make a
$25,000 loan. In view of the foregoing, a
general financial issue will be specified.

4. GTI has also failed to comply with the
requirements of the *Primer on
Ascertainment of Community Problems*
by Broadcast Applicants, 27 FCC 2d 650, 21 RR 2d 1507 (1971). From the
information before us, it appears that
the applicant may have failed to
interview a cross-section of community
leaders who accurately reflect the
composition of Chubbuck. Of the 72
persons interviewed, 31 were not
identified in any manner as to the
organizations or community leadership
categories they represent. Many of the
others were not identified sufficiently
to establish their leadership positions in
their communities. With such deficient
information, it is not possible to
determine whether the requirements of
the *Primer* have been met with respect
to leaders of either Chubbuck or
outlying communities to be served.

Accordingly, an issue will be specified.

5. GTI's application is also deficient in
that its response to Question 16 of
Section IV-A does not clearly indicate a
commitment to comply with the Fairness
Doctrine, and it does not contain an
equal employment opportunity program.
An amendment must be filed remedying
these deficiencies.

6. Temujin Corporation. Analysis of
the financial data submitted by Temujin
reveals that $32,405 will be required to
construct its proposed station and operate for three months, itemized as
follows:

| Lease and rental costs during construction | $5,128 |
| Building | 1,200 |
| Miscellaneous | 2,200 |
| Operating costs (three months) | 20,877 |
| **Total** | **32,405** |

However, Temujin has not documented
the availability and cost of the real
estate it proposes to lease or rent. Nor
does the $1,000 allocated for legal costs appear sufficient for a comparative hearing.

7. Temujin plans to finance construction and operation with $1,000 in existing capital and $100,000 net proceeds from a loan. However, the existing capital has not been shown
available because the applicant’s
balance sheet is undated and, in fact,
does not balance. Further, the loan has
not been shown available because it is
wholly undocumented as to source, terms, or financial capacity of the
lender. In view of the foregoing, a
general financial issue will be specified.

8. Temujin's ascertainment also
appears to be deficient. Its
compositional study fails to analyze the
proposed community of license
(Chubbuck) as an independent entity,
but addresses itself in toto to the
composite community of Chubbuck-
Pocatello. In addition, Temujin does not
list either the names of the community
leaders it interviewed or the
organizations which they represent,
contrary to the instruction of Question
and Answer 20 of the *Primer*. Thus it is
not possible to determine whether the
applicant interviewed leaders
representing significant groups in
Chubbuck and having a broad overview
of problems in outlying communities
served. Further, the dates of both its
community leader and general public
surveys are not specified, so it is not
possible to determine whether the
currency requirements of Question
and Answer 15 have been met. Accordingly,
an ascertainment issue will be specified.

9. Finally, it is noted that Robert
Billings, a vice-president, director, and
one-third owner of Temujin's stock, is
currently employed as chief engineer at
stations KSEI and KRB(UJF) in
Pocatello, Idaho, both of which would
compete with Temujin's proposed
facility. Billings should state his
intentions with respect to that
management-level position in the event
Temujin's application is granted by the
Commission.

10. Data submitted by the applicants
indicate there would be a significant
difference in the size of the populations
which would receive service from the
proposals. However, the difference in
the areas which would receive service is
slight, and it appears that the population
difference is more likely due to different
methods of computing populations
served than to actual population
differences. Thus, comparison of the
areas or populations of the proposed
service areas is not warranted.

11. Except as indicated by the issues
specified below, the applicants are
qualified to construct and operate as
proposed. However, since the proposals
are mutually exclusive, they must be
designated for hearing in a consolidated
proceeding.

12. Accordingly, it is ordered, that
pursuant to Section 309(e) of the
Communications Act of 1934, as
amended, the applications are
designated for hearing in a consolidated
proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether Good Times, Inc. is financially qualified to construct and operate its proposed station.

2. To determine whether Temujin Corporation is financially qualified to construct and operate its proposed station.

3. To determine with respect to the efforts of Good Times, Inc. to ascertain the needs of its proposed service area:

(a) Whether the applicant interviewed leaders who reflect the composition of Chubbuck; and

(b) Whether the applicant adequately ascertained problems outside its proposed community of license.

4. To determine with respect to the efforts of Temujin Corporation to ascertain the needs of its proposed service area:

(a) Whether the applicant adequately determined the composition of its proposed community of license;

(b) Whether the applicant interviewed leaders who reflect the composition of Chubbuck;

(c) Whether the applicant adequately ascertained problems outside its proposed community of license; and

(d) Whether the applicant complied with Question and Answer 15 of the Primer.

5. To determine which of the proposals would, on a comparative basis, better serve the public interest.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which if either of the applications should be granted.

It is further ordered, that Good Times, Inc. and Temujin Corporation shall file the amendments specified in paragraphs 5 and 9, above, with the presiding Administrative Law Judge within 30 days after this Order is published in the Federal Register.

It is further ordered, that to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission’s rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission a triplicate written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

It is further ordered, that the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission’s rules, give notice of the hearing (either individually or, if feasible, jointly) within the time and in the manner prescribed in such rules, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the rules.

Federal Communications Commission.
Richard J. Shireb, Chief, Broadcast Bureau.

[FR Doc. 80-86 Filed 3-31-80; 8:45 a.m.]
BILLING CODE 7112-01-M

(B Continued)

4. To meet these requirements, BenDel states that it has available to it a loan from the Eaton National Bank and Trust Company of Eaton, Ohio in the amount of $200,000 which will be guaranteed by the Small Business Administration. To obtain the SBA guarantee, BenDel must comply with certain terms, which, among other things, are, that the loan must be personally guaranteed by Larry D. Benes, president of BenDel; that Larry D. Benes must inject not less than $30,000 from his own funds into the business; and that BenDel assign to the SBA its FCC license as part of the collateral required to obtain the loan. The SBA agreement limited the use of the proceeds of the loan to equipment purchases, operating expenses, and leasehold improvements.

5. BenDel has not supplied any statement from Mr. Benes stating that he is willing to personally guarantee the bank loan, nor has it shown, by a balance sheet or other documentation, that Larry D. Benes is financially able to inject $50,000 from his own funds into BenDel. BenDel points to the fact that the Eaton National Bank and Trust Company has stated that it is satisfied that Mr. Benes will be able to meet this term of the loan. However, this is not enough. The instructions to Question 4, Section III of FCC Form 301, state that for each person who has agreed to furnish funds that are relied upon by the applicant to establish its financial qualifications, that person must submit a balance sheet or a financial statement showing all liabilities and current and liquid assets.

6. In addition, the other two terms of the loan mentioned in paragraphs 3 present certain difficulties. SBA’s requirement that BenDel assign its FCC license to it as collateral is in conflict with Section 310 of the Communications Act, and SBA’s limitation on the use of the proceeds of the loan renders BenDel incapable of paying certain debts, such as legal fees, and engineering fees. BenDel states that it recognizes these problems and has requested that the SBA modify its terms. BenDel states that the SBA has agreed to such modifications, but offers no documentation to support its statement. The SBA authorization and loan agreement states that the provision “shall be waived without the prior written consent of SBA.” Therefore, a
statement from the SBA stating it agrees to the modifications of the agreement asked for by BenDel is required. In light of the above-mentioned deficiencies found in BenDel's financial plan, we are specifying a general financial issue against BenDel.

7. Hoosier. Analysis of the financial portion of Hoosier's application reveals that Hoosier will require $55,004 to construct its proposed facility and operate for three months, without revenue, itemized as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Down payment on equipment</td>
<td>$16,676</td>
</tr>
<tr>
<td>Equipment payments with interest</td>
<td>4,129</td>
</tr>
<tr>
<td>Building</td>
<td>2,600</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>27,000</td>
</tr>
<tr>
<td>Operating costs (three months)</td>
<td>18,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$65,204</strong></td>
</tr>
</tbody>
</table>

8. Hoosier intends to rely on $150,000 in stockholder subscriptions, and deferred credit from its equipment supplier to meet its estimated costs. The credit letter from the equipment supplier gives reasonable assurance that credit is available. As for the stockholder subscriptions, Hoosier has submitted letters from two banks, the Merchants National Bank of Muncie, and the First National Bank of Decatur. These banks have agreed to lend to the stockholders, $400,000 and $500,000, respectively, to enable them to subscribe to 500 shares of common voting stock with a stated value of $300 per share. In return, each stockholder has expressed his or her acceptance of the terms and conditions of the bank loan, and will pledge his or her stock to the bank as security for the loan.

9. Hoosier did not submit the personal balance sheets for each of the stock subscribers. Both BenDel and MBC argue that this is necessary to assure the Commission that the stockholders are financially able to purchase stock from Hoosier. In response, Hoosier argues that the fact that the banks have determined that the prospective stockholders present an acceptable credit risk should be sufficient evidence for the Commission to be assured that funding will be available to Hoosier as proposed. We agree with Hoosier. As the Commission stated in Atlantic Broadcasting Co., 5 FCC 2d 615, 6 RR 2d 731 (Rev. Bd. 1969), "where stock subscriptions are necessary to a finding of financial qualifications, the ability of an individual subscriber to meet his commitment is established by a showing limited to a bank loan commitment for the sum required." Therefore, it appears that Hoosier is financially qualified and no financial issue will be specified.

10. Other matters. Certain procedural matters are presented by the applicants. Hoosier has petitioned the Commission to dismiss BenDel's application for failure to respond to a Commission request for information. Specifically, Hoosier states that in response to the staff's deficiency letter which pointed out certain inadequacies in BenDel's financial showing, BenDel responded that it was still negotiating for a financial arrangement which would satisfy the Commission's requirements, and, further, Hoosier notes, that even as of the date of the cut-off for filing amendments as of right, BenDel could only say that it was in the process of getting a firm loan commitment. Hoosier considers this an inappropriate response and petitions for the dismissal of BenDel's application as patently defective as defined by § 73.3566 of the Commission's rules or for failure to prosecute as defined by § 73.3565 of the rules.

11. BenDel states in reply to Hoosier that it has diligently replied to Commission correspondence, and that if Hoosier finds BenDel's response inadequate, its procedural remedy lies in a petition to specify issues. We agree with BenDel. Hoosier has relied upon the Commission's declaratory judgement in Indianapolis Broadcasting, Inc., 65 FCC 2d 166, 41 RR 2d 21, (1977) for support for its petition, but there the Commission only discussed a failure by an applicant to respond to a Commission letter. BenDel has responded to Commission correspondence. Therefore, we can neither find BenDel's application patently defective nor find that BenDel's action constitutes a failure to prosecute.

12. BenDel has petitioned the Commission to strike the petition to specify issues submitted by MBC as untimely filed. MBC agrees that its petition was filed one day late, but states that there was no prejudice to either party caused by the late filing, and that MBC's petition raises matters of probable decisional significance which should be considered on their merits regardless of the petition's timeliness. Inasmuch as the procedures regarding the consideration of pleadings to specify issues are no longer applicable, it is unnecessary to determine the acceptability of MBC's petition. We have, to the extent that MBC's petition raises matters of decisional significance, considered MBC's petition, and to the extent that we have not, MBC is free to raise these matters at a later time before an Administrative Law Judge.

13. BenDel and MBC object to Hoosier's petitions for leave to amend its application in regard to certain information which BenDel and MBC claim will tend to improve Hoosier's comparative status. The background of their objection is as follows. As of the cut-off date for amending its application as of right, Hoosier had reported that Stephen Bellinger, a 20% owner of Hoosier, had "entered into an agreement, in principle, to sell, subject to FCC approval, his entire (43%) interest in Prairieland Broadcasters, Inc., licensee of WLYL(AM) and WRXX(FM), Centralia, Illinois." Subsequent to the cut-off date, Hoosier petitioned for leave to amend its application on February 28, 1979 to report the filing of an application with the Commission for the transfer of Stephen Bellinger's properties. On April 5, 1979, Hoosier petitioned for leave to amend its application to report the granting of consent by the Commission to the transfer, and on June 14, 1979, Hoosier petitioned for leave to amend its application to report that all acts necessary for the transfer of Stephen Bellinger's interest in WLYL(AM) and WRXX(FM) had been consummated. BenDel and MBC agree that the information Hoosier has petitioned to add to its application is required by § 1.65 of the Commission's rules, but argue that the amendments should be accepted for their information only, and that Hoosier should be held for comparative purposes to its status as of the cut-off date.

14. In reply, Hoosier states that the two competing applicants were on notice before the cut-off date that an agreement, in principle, had been entered into by Stephen Bellinger, and that it was reporting only the consummation of the agreement, and that the Commission has stated in two cases, under these circumstances, that it prefers to engage in a comparative evaluation of the applicants based on actual fact rather than on a fiction based on the principal's previous ownership interest. Bie Broadcasting Co., FCC 76-M-1825, 41 RR 2d 1346 (Admln. L.J., 1978), Town and Country Radio, Inc., FCC 77M-1465, 41 RR 2d 827 (Admn. L.J., 1977).

15. MBC distinguishes these two cases, first, by stating that since they are decisions by Administrative Law Judges they are not binding precedent, and second, that in the facts of both cases, the applicants had a binding commitment to sell their broadcast interests before designation (the time under the old procedures at which applicants could no longer amend their application as of right), whereas here Hoosier only had an agreement "in principle." Hoosier responds that acceptance of Hoosier's amendments for all purposes would in this case cause
less disruption to Commission procedures, than in either of the two cited cases, because, here all amendments were filed prior to designation, where as in Bie Broadcasting and Town and Country, the amendments at issue were amended filed post-designation.

16. We agree with Hoosier. Although Bie Broadcasting and Town and Country are not binding precedent we choose to follow their reasoning that the Commission should base its comparison of applicants wherever possible on fact rather than fiction. The fact is that Hoosier has divested itself of two of its broadcast interests. All transactions were completed and reported before the staff began to prepare this designation order, and therefore no disruption of Commission procedures occurred. This is far different from the situation in Bie Broadcasting and Town and Country where an applicant sought to change its status after the designation order had been prepared and issued, and it is important to note that Hoosier had reported its intention to divest prior to the cut-off date for amendments as of right.

17. Hoosier has also asked leave to amend its application to report that two of its principals are involved in antitrust litigation. MBC asks that the Commission specify in its hearing designation order that if the Hoosier application is granted, the grant will be without prejudice to any action which the Commission might deem appropriate as a result of the final disposition of the antitrust litigation involving its principals.

18. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purpose of comparison, the areas and populations which would receive FM service of 1mV/m or greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to any of the applicants.

19. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding.

20. Accordingly, it is ordered, that, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether BenDel is financially qualified to construct and operate the proposed station.

2. To determine which of the proposals would, on a comparative basis, best serve the public interest.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

21. It is further ordered, that the petitions to specify issues filed by MBC, BenDel and Hoosier are granted, and the corresponding amendments are accepted.

22. It is further ordered, that the petitions for leave to amend filed by MBC, BenDel and Hoosier are granted, and the corresponding amendments are accepted.

23. It is further ordered, that any grant to Hoosier Favorite Station, Inc., is without prejudice to any action the Commission might deem appropriate as a result of the final disposition of the antitrust litigation involving its principals.

24. It is further ordered, that, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission’s rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

25. It is further ordered, that the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission’s rules, give notice of the hearing (either individually or, if feasible and consistent with the rules, jointly) within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the rules.


[FR Doc. 80-4000 Filed 3-24-80; 8:15 am]
BILLING CODE 6712-01-M

Privacy Act of 1974; Systems of Records

Notice is hereby given that the Federal Communications Commission has under consideration an additional system which it intends to adopt in accordance with the Privacy Act of 1974, 5 U.S.C. 552a.

It is proposed that this will be established and maintained for records of individuals interested in professional employment within the Office of Plans and Policy.

The system notice, as it is proposed, is attached.

Comments on the proposed notice may be submitted to the Privacy Act Liaison Officer, Records Management Branch, Room A–102, comments received on or before April 21, 1980, will be considered. Copies of any comments received may be inspected in Room A–102, 1229–20th Street, N.W., Washington, D.C.

William J. Tricarico, Secretary.

FCC/OPP-2

SYSTEM NAME: Applications for Employment File.


CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals interested in employment within the Office of Plans and Policy.

CATEGORIES OF RECORDS IN THE SYSTEM:

Standard Forms 171 and/or resumes containing name, address, social security number, references, educational background, work experiences.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

None.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by the Chief and Deputy Chief for possible employment for professional positions for which outside recruitment is necessary.

POLICIES AND PRACTICES FOR STORING, RETRIEVEING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records filed in folders.

REDISPERSIBILITY:

Chronologically and then by name.

SAFEGUARDS:

Records are located in metal file cabinets with access limited to designated personnel and office is locked after normal duty hours.
benefits to the public, such as greater convenience, increased competition, or gains in efficiency, but outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unwise banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than April 18, 1980.

A. Federal Reserve Bank of Boston (Richard E. Randall, Vice President) 30 Pearl Street, Boston, Massachusetts 02109.

Manufacturers Hanover Corporation, New York, New York (second mortgage lending, servicing, and insurance activities; Virginia): to engage through its subsidiary The Financial Source, Incorporated, of Virginia in arranging, making or acquiring for its own account or for the account of others, loans and other extensions of credit secured by second mortgages on residential real property such as would be made by a consumer finance company; servicing such loans and other extensions of credit for any person; acting as an agent or broker for the sale of credit life insurance which is directly related to such loans and extensions of credit and, through its subsidiary Ritter Life Insurance Company, reinsuring such credit life insurance. These activities would be conducted from the offices of The Financial Source, Incorporated, of Virginia located in and serving the following counties as well as portions of continuous counties: Prince William, Appomattox, Bedford, Tazewell, Caroline, Montgomery, Rockingham, Campbell, Wise, Albemarle, Mecklenburg, Culpeper, Northampton, Nottoway, Alleghany, Buchanan, Greensville, Prince Edward, Brunswick, Russell, Louisa, Accomack, Prince George, Franklin, Halifax, Loudoun, York, Richmond, Fauquier, Shenandoah, Frederick and Sussex Counties, all of which are located in Virginia.

B. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60604.

Commercial National Corporation, Peoria, Illinois (finance and insurance activities, Illinois): a bank holding company, proposes to establish a de novo office of its subsidiary, Commercial National Loan Centers, Inc., to engage in the following activities: making and acquiring for its account secured and unsecured installment loans, and other extensions of credit, primarily to individuals, and selling participation in (but not underwrite, agent, or broker with respect thereto) group credit life and credit health and accident insurance coverage directly related to such loans and other extensions of credit. Such activities will be conducted from an office in Peoria, Illinois and will serve the City of Peoria and all of LaSalle County, Illinois.

C. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94110.

1. Bankamerica Corporation, San Francisco, California (financing and servicing loans; Nationwide): to engage through its subsidiary, BA Business Credit Corporation, a Delaware corporation, in making or acquiring for its own account loans and other extensions of credit, and in making or acquiring for the account of others, loans and other extensions of credit secured by second mortgages on real estate. These activities would be conducted from offices in San Diego, California and Richmond, Virginia and the area to be served is national.

2. Security Pacific Corporation, Los Angeles, California (industrial loan, loan servicing, financing and credit-related insurance activities; Utah): to engage, through its subsidiary Security Pacific Finance Money Center, Inc., an industrial loan corporation organized under Utah law, in the activities of making, acquiring and servicing loans and other extensions of credit; accepting time and savings deposits and issuing thrift certificates and thrift passbook certificates; and acting as agent for the sale of credit-related accident and health and casualty insurance as authorized by Utah law. These activities would be conducted from an office in Midvale, Utah, serving the State of Utah.
Colorado Springs Banking Corp.; Formation of Bank Holding Company

Colorado Springs Banking Corporation, Colorado Springs, Colorado, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 95 percent of the voting shares of First Bank, Colorado Springs, Colorado. 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 April 18, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

William N. McDonough, Assistant Secretary of the Board.

Jefferson Bancorp, Inc.; Formation of Bank Holding Company

Jefferson Bancorp, Inc., Peoria, Illinois, 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 Jefferson Trust and Savings Bank, Peoria, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received no later than April 18, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

William N. McDonough, Assistant Secretary of the Board.

Manufacturers Bancorp, Inc.; Formation of Bank Holding Company

Manufacturers Bancorp, Inc., St. Louis, 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 100 percent (less directors' qualifying shares) of the voting shares of the successor to Merger to Manufacturers Bank & Trust Company of St. Louis, St. Louis, 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 St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 17, 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.

William N. McDonough, Assistant Secretary of the Board.

GENERAL ACCOUNTING OFFICE

Regulatory Reports Review; Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was accepted by the Regulatory Reports Review Staff, GAO, on March 18, 1980. See 44 U.S.C. 3512(c) and (d), the purpose of publishing this notice in the Federal Register is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed ICC request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before April 14, 1980, and should be addressed to Mr. Jon H. Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5108, 441 G Street, NW, Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

Interstate Commerce Commission

The ICC requests an extension—without-change clearance of Form QPA, Quarterly Report of Revenues, Expenses, and Statistics, required to be filed by some Class I Motor Carriers of Passengers, pursuant to Section 11145 of the Interstate Commerce Act. Data collected by Form QPA are used for economic regulatory purposes. Reports are mandatory and available for use by the public. The ICC estimates that reporting burden for carriers averages 5 hours per report.

Norman F. Heyl, Regulatory Reports, Review Officer.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

Center for Disease Control Programs and Policies Advisory Committee [Ad Hoc]; Establishment

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. Appendix I, the Federal Register (CDC) announces the establishment by the Secretary of Health, Education, and Welfare, on March 12, 1980, of the following Federal advisory committee:

Designation: CDC Programs and Policies Advisory Committee [Ad Hoc]. Purpose: The CDC Programs and Policies Advisory Committee [Ad Hoc] will evaluate CDC's progress in
implementing its recommendations and, based on the results of their evaluation, make recommendations to the Secretary, HEW, the Assistant Secretary for Health, and the Director, CDC, pertaining to future direction, programs, and policies for CDC. Authority for this Committee will expire August 31, 1980, unless the Secretary formally determines that continuance is in the public interest.

Dated: March 31, 1980.

William H. Foege, M.D.,
Director, Center for Disease Control.

[FR Doc. 80-6041 Filed 3-24-80; 8:45 am]
BILLING CODE 4160-24-M

Food and Drug Administration
Consumer Participation; Open Meeting
AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by LeRoy M. Gomez, District Director, Denver District Office, Denver, CO.

DATE: The meeting will be held at 7:30 p.m., Thursday, April 17, 1980.

ADDRESS: The meeting will be held at the U.S.D.A. Building, 4930 9th Ave. S., Great Falls, MT 59405.


SUPPLEMENTARY INFORMATION: Pursuant to the notice published in the Federal Register of October 5, 1974 (39 FR 35597) stating that future memoranda of understanding and agreements between FDA and others would be published in the Federal Register, the Commissioner of Food and Drugs is issuing the following memorandum of understanding.

Memorandum of Understanding for Administration of Blood-Banking and Transfusion Service Programs

I. Purpose and Background

Since 1968, hospitals and independent laboratories participating in the program of Health Insurance for the Aged and Disabled established by Title XVIII of the Social Security Act (Medicare), have been surveyed by HEW, most recently including the Health Care Financing Administration (HCFA), for compliance with the applicable provisions of the Medicare statute and regulations. These regulations include requirements affecting the blood banking and transfusion services of hospitals and independent laboratories. (Hospitals accredited by the Joint Commission on the Accreditation of Hospitals (JCAH) or the American Osteopathic Association (AOA) are deemed under the Medicare Act and regulations to meet most of the Medicare requirements.)

Since 1973, the Food and Drug Administration (FDA) has conducted administrative inspections of blood banks and transfusion services engaged in the collection, processing, storage, compatibility testing, or distribution of blood and blood components under the drug provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) and the biological products provisions of the Public Health Service Act (42 U.S.C. 262).

Most nongovernmental hospitals and independent laboratories with blood-banking or transfusion service capabilities approved by the Medicare program are also subject to inspection by FDA. In early 1979, HCFA and FDA proposed to coordinate all Federally authorized inspections of hospital blood banks and transfusion services in order to minimize duplication of effort and to reduce the burden on affected facilities. This Memorandum of Understanding finalizes the consolidation within HCFA of all responsibilities for the inspection and surveying of approximately 3,000 transfusion services. However, other blood establishments, as defined below, will remain subject to inspection under the Public Health Service (PHS)/FDA program, and will also be subject to HCFA requirements if they choose to participate in the Medicare program.

PHS/FDA and HCFA shall continue to act under existing delegations of authority, and no transfer of statutory functions or authority is made here. HCFA shall, however, confirm many of its program requirements for the survey of blood banks and transfusion services to those issued by PHS/FDA. This includes the adoption of certain of the PHS/FDA regulations applicable to blood and blood component products set forth at 21 CFR Part 609.

Additionally, PHS/FDA shall no longer inspect on a routine basis clinical laboratories or portions thereof which perform tests such as hepatitis tests, serum protein electrophoresis, or quantitative immunoglobulin determinations, in support of the preparation of biological products by a firm registered with PHS/FDA, if the clinical laboratory is approved under the HCFA program.

II. Substance of Agreement

A. Definitions: For the purpose of this agreement, the following definitions apply:

1. A "transfusion service" is a facility, which is part of either a hospital or an independent clinical laboratory, and which performs compatibility tests for, but is not engaged in the routine collection or processing of, blood or plasma (except recovered plasma) except for therapeutic collections, and the hospital or the independent testing laboratory is approved by HCFA for participation in the Medicare program.

2. A "blood establishment" is any other facility or portions of a facility registered as such with FDA pursuant to 21 U.S.C. Part 510 and 21 CFR Part 607. Blood establishments include hospital and nonhospital blood banks.
plasmapheresis centers, and the clinical laboratories performing required testing for these establishments.

B. Transfusion service survey and approval. HCFA shall be responsible for:
1. Surveying hospitals and independent laboratories, including the transfusion service, and applying the Medicare conditions of participation and conditions for coverage through the Medicare survey, certification, and facility approval process, including the utilization of HCFA's system of Medicare State survey agency agreements;
2. Approving and disapproving hospitals and independent laboratories for purposes of Medicare.
3. Surveying the transfusion service of hospitals and independent laboratories in conjunction with PHS/FDA, when such a survey is appropriate to certify and document any alleged significant deficiency or deficiencies, which would, if confirmed to be present, adversely affect the health and safety of patients.
4. Conducting special surveys of the transfusion services of hospitals and independent laboratories concerning administrative, procedural, licensure, technical certification or related matters as needed, or when requested by PHS/FDA or others, as appropriate.
5. Conducting enforcement activities, such as the investigation and referral of cases to the Inspector General of the Department of Health, Education, and Welfare for further action.
6. Negotiating, approving, and administering agreements with the Medicare State survey agencies; and
7. Applying the administrative review and hearing provisions applicable to hospitals and independent laboratories under Medicare.

C. Survey of good manufacturing practices in facilities performing emergency blood collections only. HCFA shall survey the procedures related to the collection and processing (including labeling) of blood and blood components for transfusion at transfusion services in hospitals and independent clinical laboratories participating in the Medicare program. Once HCFA adopts the FDA standards as indicated in paragraph D below, these facilities will not be registered as blood establishments with PHS/FDA.

D. Development of technical and scientific standards. PHS/FDA shall be responsible for the promulgation and interpretation of technical and scientific standards relating to transfusion services and blood establishments and for responding to inquiries concerning these standards except as indicated in paragraph E below. HCFA shall undertake to adopt these standards for use in the Medicare program.
E. Application of personnel and proficiency testing standards. For purposes of the Medicare program, the HCFA standards for personnel (42 CFR 405.1238(d), (g), and (i) for hospitals and 42 CFR 405.3310 through 405.3315 for independent clinical laboratories) and proficiency testing (42 CFR 405.1314(a)) shall apply. For purposes of the PHS/FDA program, the PHS/FDA standards for personnel (21 CFR 600.10 for licensed establishments and 21 CFR 600.20 of registered blood establishments) shall apply to registered, licensed and unlicensed blood establishments.
F. Special investigations of clinical laboratories. PHS/FDA shall no longer routinely inspect clinical laboratories or portions thereof which perform hepatitis tests or other laboratory procedures for registered blood establishments when the laboratory is surveyed by and meets the requirements of the HCFA program. When a special investigation is required by PHS/FDA to document the presence of any alleged significant deficiency or deficiencies which would, if confirmed, adversely affect the safety or efficacy of products, or the safety or health of donors, the investigation by FDA will be coordinated with regional HCFA personnel.
G. Adverse transfusion reaction reporting. The provisions of 21 CFR 600.170(b) requiring that adverse transfusion reactions related to the administration of blood or blood components be reported as soon as possible to PHS/FDA shall continue to apply to hospitals and independent laboratories participating in the Medicare program. Those reports received by FDA from transfusion services will be transmitted to HCFA for evaluation and followup under that program. In addition, PHS/FDA shall transmit to HCFA those reports which involve fatalities resulting from errors and accidents in areas of a hospital unrelated to the collection or processing of blood or blood components.

HCFA shall continue to receive these reports from blood banks and transfusion services in hospitals and independent laboratories participating in the Medicare program. Those reports received by FDA from transfusion services will be transmitted to HCFA for evaluation and followup under that program. In addition, PHS/FDA shall transmit to HCFA those reports which involve fatalities resulting from errors and accidents in areas of a hospital unrelated to the collection or processing of blood or blood components.

H. Research and development.
1. PHS/FDA shall be responsible for conducting studies related to the technical and scientific aspects of the administration and regulation of transfusion services and blood establishments, including studies for standards' development, improved quality control practices and testing, and evaluation methodologies.
2. HCFA shall be responsible for conducting studies pertaining to the Medicare coverage and amount of reimbursement to hospitals and independent laboratories stemming from the activities of their transfusion services and blood banks, the survey and approval of such services, the appropriate utilization of services, and the related administrative processes.

I. Training.
1. PHS/FDA shall furnish technical assistance to HCFA for the training of laboratory surveyors of the Medicare State survey agencies and other HCFA survey personnel with respect to the technical and scientific standards applicable to transfusion services and blood banks.
2. HCFA, in conjunction with PHS/FDA, shall be responsible for training laboratory surveyors of the Medicare State survey agencies and HCFA personnel concerning blood banking administration and procedure.

J. Amendments. This agreement may be modified at any time in writing by the Assistant Secretary for Health, the Commissioner of Food and Drugs, and the Administrator of the Health Care Financing Administration, or their authorized delegates. PHS/FDA and HCFA shall review his memorandum of understanding within 2 years after its effective date. Either party in the interim has a right to an earlier review of this agreement or any of its provisions.

K. Resolution of differences. In any case in which PHS/FDA and HCFA find that the resolution of significant differences with respect to this agreement cannot be achieved, the matter will be referred by the Assistant Secretary for Health, the Commissioner of Food and Drugs, and the Administrator, HCFA, to the Undersecretary or the Secretary for decision.

For the Public Health Service.
Charles Miller, Acting Assistant Secretary for Health, Public Health Service.

Date: October 15, 1979.

For the Health Care Financing Administration.
Leonard Schaeffer, Administrator, Health Care Financing Administration.

Date: January 1, 1980.
For the Food and Drug Administration.

Joseph P. Hile,
Associate Commissioner for Regulatory Affairs, Food and Drug Administration.

Approved:

Patricia Roberts Harris,
Secretary of the Department of Health, Education, and Welfare.

Date: January 21, 1980.

Effective date: January 21, 1980.

William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-8044 Filed 3-24-80; 8:45 am]
BILLING CODE 4110-03-M

Consumer Participation; Open Meeting
AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by Thomas L. Hooker, District Director, Baltimore District Office, Baltimore, MD.

DATE: The meeting will be held at 10:30 a.m., Wednesday, April 16, 1980.

ADDRESS: The meeting will be held at the Lord Fairfax Room of the War Memorial Building, Winchester, VA.

FOR FURTHER INFORMATION CONTACT: Thomas L. Hooker, (301) 571-5353.

[FR Doc. 80-8044 Filed 3-24-80; 8:45 am]
BILLING CODE 4110-03-M

Consumer Participation; Open Meeting
AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by Irwin B. Berch, District Director, San Francisco District Office, San Francisco, CA.

DATE: The meeting will be held at 2 p.m., Tuesday, April 15, 1980.

ADDRESS: The meeting will be held at 300 Ala Moana Blvd., Rm. 7233, Honolulu, HI.


SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's San Francisco District Office, and to contribute to the agency's policymaking decisions on vital issues.

DATED: March 17, 1980.

William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-8044 Filed 3-24-80; 8:45 am]
BILLING CODE 4110-03-M

[FR Doc. 80-8044 Filed 3-24-80; 8:45 am]
BILLING CODE 4110-03-M

[FR Doc. 10-8941 Filed 3-24-80. 45 am)

FDA-225-50-8401

Good Laboratory Practices; Memorandum of Understanding With the Federal Office for Foreign Economic Affairs, Federal Department of Public Economy of the Swiss Confederation

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has executed a memorandum of understanding with the Federal Office for Foreign Economic Affairs of the Swiss Confederation. The purpose of the understanding is to set forth cooperative working arrangements to develop standards or guidelines of good laboratory practices for nonclinical laboratories and to establish programs of inspection to implement those standards or guidelines.

DATED: March 15, 1980.

William J. Singletary, Consumer Affairs Officer, Food and Drug Administration, Department of Health, Education, and Welfare, 500 W. Broad St., Falls Church, VA 22046, 703-557-0389.

FOR FURTHER INFORMATION CONTACT: Ernest L. Brisson, Office of Regulatory Affairs (HFC-30), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2850.

SUPPLEMENTARY INFORMATION: Pursuant to the notice published in the Federal Register on November 19, 1979 (44 FR 60685), the agency is publishing the following memorandum of understanding:

Memorandum of Understanding Between Federal Office for Foreign Economic Affairs, Federal Department of Public Economy of the Swiss Confederation and Food and Drug Administration, U.S. Department of Health, Education, and Welfare

In a significant number of cases the safety evaluation data submitted to one national authority are based on studies conducted by laboratories located in the country of another national authority. Therefore, the standards observed by laboratories conducting nonclinical experiments in each country that engage in such research and that produce data which are submitted to the authorities of the other country should be those universally recognized in the applicable research fields as good laboratory practices (GLP's) so that there is substantial uniformity between the two countries as to the standards observed by laboratories conducting nonclinical experiments located therein. Where the safety evaluation data submitted to one national authority originate from a laboratory within the country of another national authority, the latter should be able to provide the former with the kind of information that the former may need to be assured that the laboratory is operated in accordance with recognized good laboratory practices.

I. Purpose

This Memorandum of Understanding constitutes a statement of intent by the responsible agencies of Switzerland and the United States to develop standards or guidelines of good laboratory practices for laboratories conducting nonclinical experiments and to establish national programs of inspection to implement those standards or guidelines. This Memorandum reflects the concern of the parties for assuring the quality and integrity of safety evaluation data submitted to national authorities with respect to products within their respective areas of responsibility.

II. Cooperation Between the Parties and Exchange of Information

To promote mutual understanding of their respective inspection programs and consistency of inspection practices and assessments as well as to facilitate the implementation of their respective regulations or guidelines, the parties agree to exchange information on
matters concerning GLP's. To this effect they will in particular:
Consult upon and communicate standards or guidelines they develop.
Share experiences made in implementing such standards or guidelines.
Exchange records and reports relating to inspections or data audits of laboratories conducting nonclinical experiments to the extent necessary for the implementation of their respective regulations or guidelines and under the provisions of paragraph 3, section III below.

III. Items for Future Discussion

By this Memorandum the parties aim at reaching a position in which they will respectively establish substantially consistent GLP standards or guidelines applicable to laboratories conducting nonclinical experiments within their respective jurisdictions including mutually acceptable programs of inspections of such laboratories, to determine compliance with such standards or guidelines. These inspections are to be carried out by the respective national authorities.

This Memorandum will serve as the framework for future negotiations concerning future memoranda between the parties to provide for reciprocal recognition of nonclinical laboratory inspection programs and reports. Such memorandum shall provide for the following specific matters:

1. Adequate inspection programs by national authorities, which would involve inspection approximately every two years of laboratories conducting studies intended to be submitted to the authorities of the other country. Inspections shall include an assessment of laboratory procedures and operations, and also where appropriate, audits of data from completed studies submitted to the authorities of the other country. The parties recognize the need to protect trade secrets.

2. Procedures by which either party to this agreement can request the other to conduct an inspection or data audit of a nonclinical study.

3. Procedures for the exchange and acceptance of records and reports relating to inspections, data audits or other relevant matters. The parties understand that adequate account must be taken of the laws of each country, e.g. with respect to confidentiality and freedom of information. The parties recognize the need to protect trade secrets.

4. Consultation between the parties to resolve differences of views with respect to GLP compliance matters that may be occasioned by the differences in practices between the two countries.

5. Consultation between the parties on contemplated changes in GLP standards or guidelines.

IV. Liaison

The parties respectively appoint the following officials to serve as liaisons for all communications regarding matters relative to this Memorandum of GLP's generally:

For the Federal Office for Foreign Economic Affairs: Director, Intercantonal Office for the Control of Medicaments (currently Dr. Peter Fischer) through the Embassy of Switzerland, 2900 Cathedral Avenue, N.W., Washington, D.C. 20008.

For the Food and Drug Administration: Director, Bioresearch Monitoring Staff (currently Mr. Ernest L. Ericson), Office of Regulatory Affairs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

Approved and accepted for the Federal Office for Foreign Economic Affairs.

Raymond Probst.

Ambassador.

Date: March 5, 1990.
Approved and accepted for the Food and Drug Administration.

Jere Goyan.

Commissioner.

Date: March 5, 1990.

Effective date: This memorandum of understanding became effective May 5, 1990.


William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 90-3973 Filed 3-24-90; 8:45 am]
BILLING CODE 4116-05-M

Health Care Financing Administration

Blood-Banking and Transfusion Programs; Memorandum of Understanding with the Public Health Service and the Food and Drug Administration

Cross Reference: For a document on an agreement with the Public Health Service and the Food and Drug Administration see FR Doc. 80-8944 in the notices section of this issue of the Federal Register.

BILLING CODE 4116-05-M

National Institutes of Health

Cancer Control and Rehabilitation Advisory Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cancer Control and Rehabilitation Advisory Committee, National Cancer Institute, May 5, 1990, Blair Building, Room 110, 8500 Colesville Road, Silver Spring, Maryland 20910.

The entire meeting will be open to the public from 9:00 a.m. to adjournment, to review planning for several projects and the reorganization of the Division.

Attendance by the public will be limited to space available.

Mrs. Marjorie E. Early, Committee Management Officer, National Cancer Institute, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20205 (301/496/5078) will provide summaries of the meeting and rosters of committee members, upon request.

Mr. H. C. Noyes, Acting Executive Secretary, National Cancer Institute, Blair Building, Room 720, Silver Spring, Maryland 20910 (301/427-8835) will furnish substantive program information.

Dated: March 18, 1990.

Suzanne L. Friedman,

Committee Management Officer, National Institutes of Health.

[FR Doc. 90-3973 Filed 3-24-90; 8:45 am]
BILLING CODE 4116-05-M

Pulmonary Diseases Advisory Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Pulmonary Diseases Advisory Committee, National Heart, Lung, and Blood Institute, on May 17, 1990 at the Washington-Sheraton Hotel, Washington, D.C.

The entire meeting, from 8:30 a.m. to 5:00 p.m., will be open to the public. The Committee will review initiatives proposed by the Division of Lung Diseases for Fiscal 1981, and will plan Committee activities for the coming year. Attendance by the public will be limited to the space available.

Mr. York Onnen, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20892, phone (301) 496-4233, will provide summaries of the meeting and rosters of the committee members.

Dr. Malvina Schweizer, Executive Secretary of the Committee, Westwood Building, Room 6A16, National Institutes of Health, Bethesda, Maryland 20892, phone (301) 496-7268, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Programs No. 13.836, National Institutes of Health)
Public Health Service

Blood-Banking and Transfusion Programs; Memorandum of Understanding with the Food and Drug Administration and the Health Care Financing Administration

Cross Reference: For a document on an agreement with the Food and Drug Administration and the Health Care Financing Administration see FR Doc. 80-8994 in the notices section of this issue of the Federal Register.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Environmental Quality

(Docket No. NI-14)

Intended Environmental Impact Statements

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared for each of the following projects under HUD programs as described in the appendices of the Notice: Downtown Redevelopment Project; Shopping Center, San Buenaventura (Ventura) and Glendale, Arizona; Creekside Planned Residential Development, Ontario, California. This Notice is required by the Council on Environmental Quality under its rules (40 CFR 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning a particular project to the specific person or address indicated in the appropriate part of the appendices.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency.


Francis G. Haas
Deputy Director, Office of Environmental Quality.

Appendix—EIS on Downtown Redevelopment Shopping Center, San Buenaventura (Ventura), Calif.

The City of San Buenaventura (Ventura), California intends to prepare an EIS and an Environmental Impact Report (EIR) on the project described below and solicits information and comments for consideration in the EIS.

Purpose of Federal Action.—A combined EIS/EIR is to be undertaken to address the impacts attributable to the specific shopping center development and an expanded Downtown Redevelopment Project Area. HUD Community Development Block Grant Funds and potentially Economic Development Administration funding or other federal funding may be requested in FY 1980 to finance project activities.

Project Description and Location.—The proposed Downtown Redevelopment Shopping Center is to be located on an approximately 13.7 acre site and to include 5–6 one story buildings with a cumulative floor area of approximately 161,660 square feet. There will be two major tenants comprising 117,620 square feet a major supermarket and an undetermined neighborhood commercial one. Approximately 44,040 square feet of space for satellite stores will be available.

The project is located in the Downtown area of the City of San Buenaventura near the intersection of Highway 101 and Highway 33 and adjacent to the Ventura River. The existing land uses are a mix of commercial, industrial and residential.

Need.—It has been determined that an environmental impact statement is necessary due to the size and scope of project activities proposed with such determination being made in response to Section 102(2) of Public Law 91-199, the National Environmental Policy Act of 1969, and the Department of Housing and Urban Development Environmental Review Procedures for the Community Development Block Grant Program (24 CFR Part 68).

Alternatives.—The alternatives perceived to be available and which will be given consideration are: accept the project as submitted, accept the project with modifications, or no project.

Scoping.—A scoping meeting may be held at a date to be announced. The purpose of this notice is to solicit from all interested persons and Federal agencies, recommendations or comments regarding any issues that should be addressed in the proposed environmental impact statement. Potential significant environmental impacts so far identified to be addressed in an EIS/EIR have been determined to be:


Comments.—Comments or recommendations should be sent within 21-days of publication of this notice to: Suzanne Gates, Planning Division, City of San Buenaventura, F.O. Box 89, Ventura, California 93002, (805) 648-7681, extension 335.

Appendix—EIS on Arrowhead Ranch Subdivision, Glendale, Ariz.

TheHUD Area Office in Los Angeles, California, intends to prepare an EIS on the project described below and solicits information and comments for consideration in the EIS.

Description.—The Arrowhead Ranch planned residential community project is a proposed land development of approximately 3824 acres. This planned development project will provide for an approximate 13,000 new dwelling units in a mixture of housing densities and types. Community recreation facilities, both public and private; functional open space, certain supporting commercial uses and an employment commercial use which will permit offices, corporate headquarters and very-light industrial will form the remaining major land uses.

The project site is located in the northwest portion of the Phoenix basin just south of the Hedgepath Hills and Thunderbird Regional Park, approximately four miles west of Black Canyon Highway (69). The site has recently been annexed to the City of Glendale and is generally bounded by Deer Valley Drive (north), Union Hills Drive (south), 51st Avenue (east), and 81st Avenue (west).

HUD's participation in this land development project is through its Federal mortgage insurance program which is intended to facilitate homeownership and the construction and financing of housing. By insuring commercial lenders against loss, HUD encourages such lenders to invest capital in the home mortgage market.

Need.—An EIS is proposed due to HUD threshold requirements in accordance with housing program
environmental regulations and probable impact on water resources, energy, transportation systems and community services.

**Alternatives Perceived.**—At this time the HUD alternatives include: no project, accept project as proposed, accept project with conditions, or modification of project.

**Scoping.**—HUD held a pre-project “scoping” meeting as provided for under Section 1501.7 of the regulations for implementing the National Environmental Policy Act. In accord with departmental environmental regulations under 24 CFR Part 50.35(b)(2) invitations were forwarded to an approximate 66 individuals and organizations (Federal, State and private). The scoping meeting was held on March 3, 1980 at 1:30 p.m. in the HUD Phoenix Service Office located at 101 North First Avenue, Suite 1800, Phoenix, Arizona.

**Comments.**—Comments regarding this proposal should be sent within 21 days of the publication of this Notice in the Federal Register, to: Paul R. Kemp, Acting Area Manager, Attention: John Bonkoski, Environmental Clearance Officer, HUD Area Office, 2500 Wilshire Boulevard, Room 600, Los Angeles, California 90057 (or Call (213) 689-5800).

**Appendix**—EIS on Creekside Planned Residential Development, Ontario, Calif.

The HUD Area Office in Los Angeles, California, intends to prepare an EIS on the project described below and solicits information and comments for consideration in the EIS.

**Description.**—The Creekside planned residential community project is a proposed land development of approximately 414 acres. This planned development project will provide for approximately 2,500 new dwelling units in a mixture of housing densities and types. Community recreation facilities (both public and private), functional open space, and certain supporting commercial uses will form the remaining major land uses.

The project site is located in the southeast portion of the City of Ontario, 38 miles east of Los Angeles. The site is bounded by the Pomona Freeway [I-60] on the north, Riverside Drive on the south, Turner Avenue on the west, and Milliken Avenue on the east.

HUD’s participation in this land development project is through its Federal mortgage insurance program which is intended to facilitate homeownership and the construction and financing of housing. By insuring commercial lenders against loss HUD encourages such lenders to invest capital in the home mortgage market.

**Need.**—An EIS is proposed due to HUD threshold requirements in accordance with housing program environmental regulations and probable impact on water resources, energy, transportation systems and community services.

**Alternatives Perceived.**—At this time the HUD alternatives include: no project, accept project as proposed, accept project with conditions, or modification of project.

**Scoping.**—HUD will hold a pre-project “scoping” meeting in accordance with Section 1501.7 of the regulations for implementing the National Environmental Policy Act. At this meeting, open to all individual persons, groups, Federal, State and local agencies, HUD wishes to identify all significant issues to be analyzed in the environmental impact statement. Time and place of this “scoping” meeting will be announced at a later date.

Possible significant environmental effects identified to date include:

- Conversion of 414 acres of vacated-dairyland to urban uses. Introduction of approximately 7,000 new residents in approximately 2,500 new dwelling units to the city of Ontario over an estimated seven year period. Increases in motor vehicle traffic, noise, air-pollution emissions and urban-water runoff impacts.
- Conversion of 3824 acres of rural land to urban uses.
- Development of substantial areas of productive agricultural soils.
- Introduction of approximately 37,000 new residents in approximately 13,000 new dwelling units to the City of Glendale over an estimated seven year period.
- Potential impact of a 100-year floodplain.
- Disposal of waste treatment plant effluent into surrounding area. Possible subsidence problems from continued groundwater removal.

**Comments.**—Comments regarding this proposal should be sent within 21 days of the publication of this Notice in the Federal Register, to: Paul R. Kemp, Acting Area Manager, Attention: John Bonkoski, Environmental Clearance Officer, HUD Area Office, 2500 Wilshire Boulevard, Room 600, Los Angeles, California 90057 (or Call (213) 689-5800).
Fish and Wildlife Service

Endangered Species Permit; Receipt of Request for Amendment of Application

Applicant: Florida Game and Fresh Water Fish Commission, Tallahassee, Florida 32301.

The applicant requests an amendment to the “Notice of Receipt of Application” published on March 13, 1980, FR Vol. 45(51): 10938. The second paragraph of the notice should have read: The requested amendment would authorize the removal from the wild of all existing dusky seaside sparrows (Ammospiza maritima nigrescens) for safekeeping in a captive breeding program.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20243.

This application has been assigned file number PRT 2-4329. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address or before April 23, 1980; this extends the period for receipt of comments by 10 days. Please refer to the file number when submitting comments.

Dated: March 20, 1980.

Donald G. Donahoo,
Chief, Permit Branch, Federal Wildlife Permit Office, Fish and Wildlife Service.


Appling County

Appling County Courthouse (Georgia County Courthouses Thematic Resources) Courthouse Sq.

Atkinson County

Atkinson County Courthouse (Georgia County Courthouses Thematic Resources) Tallahassee, Florida 32301.

Baker County

Baker County Courthouse (Georgia County Courthouses Thematic Resources) Courthouse Sq.

Bankhead

Bankhead Courthouse (Georgia County Courthouses Thematic Resources) Courthouse Sq.

Barrow County

Barrow County Courthouse (Georgia County Courthouses Thematic Resources) Courthouse Sq.

Barrow County Courthouse (Georgia County Courthouses Thematic Resources) Tallahassee, Florida 32301.

Ben Hill County

Ben Hill County Courthouse (Georgia County Courthouses Thematic Resources) Courthouse Sq.

Berrien County

Berrien County Courthouse (Georgia County Courthouses Thematic Resources) Courthouse Sq.

Bleckley County

Bleckley County Courthouse (Georgia County Courthouses Thematic Resources) Courthouse Sq.

Bulloch County

Bulloch County Courthouse (Georgia County Courthouses Thematic Resources) Courthouse Sq.

Burke County

Burke County Courthouse (Georgia County Courthouses Thematic Resources) Courthouse Sq.

Gillespie County

Gillespie County Courthouse (Georgia County Courthouses Thematic Resources) Courthouse Sq.

Green County

Green County Courthouse (Georgia County Courthouses Thematic Resources) Courthouse Sq.

Grady County

Grady County Courthouse (Georgia County Courthouses Thematic Resources) Courthouse Sq.

Habersham County

Habersham County Courthouse (Georgia County Courthouses Thematic Resources) Courthouse Sq.

Harris County

Harris County Courthouse (Georgia County Courthouses Thematic Resources) Courthouse Sq.

Henry County

Henry County Courthouse (Georgia County Courthouses Thematic Resources) Courthouse Sq.

Irwin County

Irwin County Courthouse (Georgia County Courthouses Thematic Resources) Courthouse Sq.

Jefferson County

Jefferson County Courthouse (Georgia County Courthouses Thematic Resources) Courthouse Sq.

Jefferson County Courthouse (Georgia County Courthouses Thematic Resources) Tallahassee, Florida 32301.

Jefferson County Courthouse (Georgia County Courthouses Thematic Resources) Tallahassee, Florida 32301.

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Jefferson County Courthouse (Georgia County Courthouses Thematic Resources) Tallahassee, Florida 32301.

Jefferson County Courthouse (Georgia County Courthouses Thematic Resources) Tallahassee, Florida 32301.
Bainbridge, Decatur County Courthouse (Georgia County Courthouses Thematic Resources) West and Water Sts.

Butts County
Jackson, Butts County Courthouse (Georgia County Courthouses Thematic Resources) Court Sq.

Cameron County
Woodbine, Camden County Courthouse (Georgia County Courthouses Thematic Resources) 4th and Camden Aves.

Candler County
Metter, Candler County Courthouse (Georgia County Courthouses Thematic Resources) Courthouse Sq.

Carroll County
Carrollton, Carroll County Courthouse (Georgia County Courthouses Thematic Resources) Newman and Dade Sts.

Chattooga County
Folkston, Chattooga County Courthouse (Georgia County Courthouses Thematic Resources) Off GA 40.

Crawford County
Newnan, Coweta County Courthouse (Georgia County Courthouses Thematic Resources) Courthouse Sq.

Carrolton, Carroll County Courthouse (Georgia County Courthouses Thematic Resources) 100 Pryor St. SW.

Atlanta, Fulton County Courthouse (Georgia County Courthouses Thematic Resources) 500 Peachtree St. NE.

Atlanta, West Paces Ferry Road Multiple Resource Area (Partial Inventory). This is includes: Haynes Manor House, Peachtree Battle Ave., Sagamore, Dellowood, and Manor Ridge Drs.; Peachtree Heights Park, Peachtree, Habersham, and Wesley, Rds, Andrews Rd., and Peachtree Battle Ave.; Tudor Park, Habersham, W. Paces Ferry, Tuxedo, Valley and Blackland, Rds, and Norwood Dr.; West Andrews Historic District, Arden, Habersham, and Chatham, Rd., Anstell Way, Andrews and W., Andrews Dr.; Arden, 450 W. Paces Ferry Rd., NW; Browner, Dr., James N., House, 2200 Peachtree Rd; Brooklands, 3000 Northside Dr., NW, Canton Apartments, 2845-2940 Peachtree Rd.; Craigelachie, 155 W. Paces Ferry Rd., NW; English-Chambers House, 426 W. Paces Ferry Rd., NW; Gately-Loridens House, 1060 Paces Forest Dr., NW; Hearst-Seydel House, 1154 W. Paces Ferry Rd., NW; Howell-Kilpatrick House, 400 W. Paces Ferry Rd., NW; Jackson-Asplin-Adolph House, 410 W. Paces Ferry Rd., NW; Jones, Bollin House, 1135 W. Paces Ferry Rd., NW; Jones, Willis, House, 530 W. Paces Ferry Rd., NW; Newcastle, 301 W. Paces Ferry Rd., NW; Namally-Hodge House, 1311 W. Paces Ferry Rd., NW; Proctor, A. Lee, House, 1151 W. Paces Ferry Rd., NW; Randall, Luther, House, 1001 W. Paces Ferry Rd., NW; Richardson-Howell House, 675 W. Paces Ferry Rd., NW; Thornton, Albert E., House, 105 W. Paces Ferry Rd., NW; Trygverason, 3418 Finstand Rd., NW.

Floyd County
Cave Spring, Cave Spring Multiple Resource Area (Partial Inventory). This area includes: Cave Spring Commercial Historic District, Alabama, Rome and Cedartown Rds., Broad and Paddock Sts.; Cave Spring Residential Historic District, U.S. 411 and GA 100; Georgia School for the Deaf Historic District, Paddock St., Rolator Park Historic District. Off U.S. 411; Carroll-Harper House, Cedartown St.; Carroll, John M., House, Park St.; Carroll-Richardson Grant Mill, Mill St.; Cave Spring Female Academy, Rome St.; Cave Spring High School, Rome St.; Cave Spring Railroad Station, Alabama St.; Connor, Wesley Q., House, Cedartown St.; Cowdry, William D., Plantation, Rome Rd.; Fannin, Oliver P., House, Cedartown St.; Ford, Joseph, House, Love and Alabama Sts.; Mann, John T., House, Rivers St.; McKinney, Dr., W. T., House, Cedartown St.; Rivers Farm, Rome St.; Robbins, Samuel W., House, Rome St.; Roving House, Rome St.; Simmon House, Cedartown St.; Simons, William S., Plantation, Alabama St.; Woff, George T., House, Love St.; Wharton-Troup House, Rome St.

Franklin County
Carnesville, Franklin County Courthouse (Georgia County Courthouses Thematic Resources) Courthouse Sq.

Glynn County
West and Water Sts.
Jefferson County
Hamilton, Jefferson County Courthouse (Georgia County Courthouses Thematic Resources) Courthouse Sq.

Henry County
McDonough, Henry County Courthouse (Georgia County Courthouses Thematic Resources) Courthouse Sq.

Irwin County
Ocilla, Irwin County Courthouse (Georgia County Courthouses Thematic Resources) Courthouse Sq.

Jackson County
Jefferson, Jackson County Courthouse (Georgia County Courthouses Thematic Resources) GA 1.

Jasper County
Monticello, Jasper County Courthouse (Georgia County Courthouses Thematic Resources) Courthouse Sq.

Jeff Davis County
Hazelhurst, Jeff Davis County Courthouse (Georgia County Courthouses Thematic Resources) Courthouse Sq.

Jefferson County
Louisville, Jefferson County Courthouse (Georgia County Courthouses Thematic Resources) Courthouse Sq.

Jenkins County
Millen, Jenkins County Courthouse (Georgia County Courthouses Thematic Resources) Courthouse Sq.

Johnson County
Wrightsville, Johnson County Courthouse (Georgia County Courthouses Thematic Resources) Courthouse Sq.

Jones County
Gray, Jones County Courthouse (Georgia County Courthouses Thematic Resources) GA 49.

Lamar County
Barnesville, Lamar County Courthouse (Georgia County Courthouses Thematic Resources) Thomson St.

Lee County
LaGrange, Lee County Courthouse (Georgia County Courthouses Thematic Resources) Courthouse Sq.

Liberty County
Hinesville, Liberty County Courthouse (Georgia County Courthouses Thematic Resources) Courthouse Sq.

Lincoln County
Lincolnton, Lincoln County Courthouse (Georgia County Courthouses Thematic Resources) Courthouse Sq.

Long County
Ludowici, Long County Courthouse (Georgia County Courthouses Thematic Resources) GA 89.

Lowndes County
Valdosta, Lowndes County Courthouse (Georgia County Courthouses Thematic Resources) Central and Ashley Sts.

Lumpkin County
Dahlonega, Lumpkin County Courthouse (Georgia County Courthouses Thematic Resources) U.S. 19.

Macon County
Oglethorpe, Macon County Courthouse (Georgia County Courthouses Thematic Resources) Courthouse Sq.

Madison County
Danielville, Madison County Courthouse (Georgia County Courthouses Thematic Resources) Courthouse Sq.

Marion County
Buena Vista, Marion County Courthouse (Georgia County Courthouses Thematic Resources) Courthouse Sq.

Meriwether County
Greenville, Meriwether County Courthouse (Georgia County Courthouses Thematic Resources) Court Sq. (previously listed in the National Register).

Monroe County
Forysth, Monroe County Courthouse (Georgia County Courthouses Thematic Resources) Courthouse Sq.

Montgomery County
Mount Vernon, Montgomery County Courthouse (Georgia County Courthouses Thematic Resources) Courthouse Sq.

Murray County
Chattooga, Murray County Courthouse (Georgia County Courthouses Thematic Resources) Courthouse Sq.

Newton County
Covington, Newton County Courthouse (Georgia County Courthouses Thematic Resources) Courthouse Sq.

Paulding County
Dallas, Paulding County Courthouse (Georgia County Courthouses Thematic Resources) Courthouse Sq.

Peach County
Fort Valley, Peach County Courthouse (Georgia County Courthouses Thematic Resources) Off GA 49.

Pierce County
Blackshear, Pierce County Courthouse (Georgia County Courthouses Thematic Resources) Main St.

Pike County
Zebulon, Pike County Courthouse (Georgia County Courthouses Thematic Resources) Courthouse Sq.

Pulaski County
Hawkinsville, Pulaski County Courthouse (Georgia County Courthouses Thematic Resources) Courthouse Sq.

Schley County
Ovalle, Schley County Courthouse (Georgia County Courthouses Thematic Resources) GA 25.

Seminoles County
Tallahassee, Seminole County Courthouse (Georgia County Courthouses Thematic Resources) Courthouse Sq.

Stephens County
Toccoa, Stephens County Courthouse (Georgia County Courthouses Thematic Resources) Courthouse Sq.

Stewart County
Lumpkin, Stewart County Courthouse (Georgia County Courthouses Thematic Resources) Courthouse Sq.

Taliaferro County
Crawfordsville, Taliaferro County Courthouse (Georgia County Courthouses Thematic Resources) Courthouse Sq.

Terrell County
Dawson, Terrell County Courthouse (Georgia Country Courthouses Thematic Resources) Courthouse Sq.

Thomas County
Thomasville, Thomas County Courthouse (Georgia County Courthouses Thematic Resources) N. Broad St.

Tift County
Tifton, Tift County Courthouse (Georgia County Courthouses Thematic Resources) Courthouse Sq.

Troup County
Spartanburg, Troup County Courthouse (Georgia County Courthouses, Thematic Resources) Courthouse Sq.

Turner County
Ashburn, Turner County Courthouse (Georgia County Courthouses Thematic Resources) Courthouse Sq.

Twiggs County
Jeffersonville, Twiggs County Courthouse (Georgia County Courthouses Thematic Resources) Courthouse Sq.

Union County
Blaisdellville, Old Union County Courthouse (Georgia County Courthouses Thematic Resources) Courthouse Sq.

Upson County
Thomaston, Upson County Courthouse (Georgia County Courthouses Thematic Resources) Courthouse Sq.

Walker County
LaFayette, Walker County Courthouse (Georgia County Courthouses Thematic Resources) Duke St.
Kennebec County
Warren County
Warrenton, Warren County Courthouse (Georgia County Courthouses Thematic Resources) Courthouse Sq.
Washington County
Sandersville, Washington County Courthouse (Georgia County Courthouses Thematic Resources) Courthouse Sq.
Wayne County
Jesup, Wayne County Courthouse (Georgia County Courthouses Thematic Resources) Courthouse Sq.
Webster County
Preston, Webster County Courthouse (Georgia County Courthouses Thematic Resources) Courthouse Sq.
Wheeler County
Alamo, Wheeler County Courthouse (Georgia County Courthouses Thematic Resources) Pearl St.
White County
Cleveland, Old White County Courthouse (Georgia County Courthouses Thematic Resources) GA 115.
Nacoochee and Santee, Nacoochee Valley, GA 17, GA 75 and GA 235.
Wilcox County
Abbeville, Wilcox County Courthouse (Georgia County Courthouses Thematic Resources) US 80 and US 129.
Wilkes County
Washington, Wilkes County Courthouse (Georgia County Courthouses Thematic Resources) Court St.
Worth County
Sylvester, Worth County Courthouse (Georgia County Courthouses Thematic Resources) Courthouse Sq.
KENTUCKY
Hardin County
Elizabethtown vicinity, Hart, John, House, E of Elizabethtown.
Woodford County
Versailles, Morgan Street Historic District, Morgan St.
MAINE
Aroostook County
Presque Isle, Double Eagle II Launch Site, Spragueville Rd.
Hancock County
Bar Harbor, West Street Historic District, West St.
Kennebec County
Gardiner, Gardiner Historic District, Water St.
Lincoln County
Bristol vicinity, Nahanada Village Site.
York County
Biddleford, Tarz, John, House, 29 Ferry Lane.
MARYLAND
Cecil County
Conowingo, vicinity, Octorara Farm, S of Conowingo.
MONTANA
Missoula County
Huson vicinity, U.S. Forest Service Remount Depot (Nine Mile Ranger Station) 2.4 ml. SW of Huson on I-90.
Wise County
Hamilton, Hamilton Town Hall, 175 S. 3rd St.
NEBRASKA
Dodge County
Hooper, Hooper Historic District, Main, Elk, Myrtle and Fulton Sts.
Otoe County
Nebaska City vicinity, Ware, Jasper A., House, S of Nebraska City on Steinbruck Park Rd.
NEW JERSEY
Burlington County
Georgetown vicinity, Newhold, William and Susannah, House, E of Georgetown on Herman Black and Sykesville Rds.
Cumberland County
Seabrook vicinity, Deerfield Presbyterian Church, NE of Seabrook.
Essex County
Millburn, Short Hills Park Historic District, Off NJ 24.
Newark, St. Rocco's Roman Catholic Church, 212-210 Hunterdon Ave.
Hunterdon County
Milford vicinity, Everittstown Historic District, E of Milford on SR 12, SR 15, and Palmyra Rd.
Mercer County
Lawrenceville vicinity, Princeville Inn, E of Lawrenceville at 3510 Princeton Pike Trenton, Hog Island Cranes, Lambertton St.
Middlesex County
Cranbury, Cranbury Historic District, Off U.S. 30.
Helmetta, Helme, G. W., Snoff Mill District, Irregular pattern along Main St.
Monmouth County
Imlaystown, Salter's Mill, Imlaystown-Davis Station Rd.
Morris County
Caldwell vicinity, Steppel Site.
Dover, Delaware, Lackawanna and Western Railroad Station, N. Dickerson St.
Passaic County
Paterson, Ferguson, John W., House, 421 12th Ave.
Union County
New Providence vicinity, Felaltville Historic District, S of New Providence.
Williamson County
Brownsville vicinity, Dewees Group Archeological Site, Moore's Lane.
TENNESSEE
Davidson County
Nashville, Belmont-Hillsboro Historic District, Roughly bounded by Primrose and Twentieth Aves., Magnolia and Belmont Blvds.
Nashville, Guist, John, and Sons Blacksmith Shop and House, 303, 311 and 313 Jefferson St.
Haywood County
Brownsville vicinity, Cedar Grove, W of Brownsville.
UTAH
Doggett County
Manila vicinity, Ute Mountain Fire Tower, SW of Manila.
VIRGINIA
Charlotte County
Charlotte Court House, Charlotte County Courthouse, VA 40 and VA 47.
Chesterfield County
Elfrick, Vowter Hall and Old President's House, College Ave.
Galipep County
Mitchells, Mitchells Presbyterian Church, VA 652.
Orange County
Orange vicinity, Berry Hill, S of Orange on VA 647.
Petersburg (independent city)
Petersburg Old Town Historic District, U. S. 1 and VA 33.
Powhatan County
Powhatan vicinity, Norwood, NE of Powhatan.
Richmond (independent city)
St. Sophia Home of the Little Sisters of the Poor, 16 N. Harvie St.
Richmond County
Warwick vicinity, Bluefieldfield, NE of Warsaw off VA 203.
Roanoke (independent city)
Crystal Spring Steam Pumping Station, 2018 Lake St, SE.
Surry County
Surry vicinity, Rich Neck Farm, E of Surry.
Virginia Beach (independent city)
Bayside Farm, Off VA 650.
Water and Power Resources Service

Contract Negotiations With The City of Reno, Truckee-Carson Irrigation District, and the Fish and Wildlife Service; Availability of a Proposed Short-Term Contract for Public Review and Comment

The Department of the Interior, through the Water and Power Resources Service, has completed the negotiation of a proposed short-term contract among the Water and Power Resources Service; the Fish and Wildlife Service; the City of Reno, Nevada; and the Truckee-Carson Irrigation District, Fallon, Nevada. The proposed contract was prepared pursuant to the Act of June 17, 1902 (32 Stat. 398), the Act of August 1, 1956 (70 Stat. 775), and the Act of February 23, 1911 (35 Stat. 25), and acts amendatory thereof or supplementary thereto. The purpose of this proposed storage contract is to provide water for flow augmentation for the city of Reno while the city is expanding its Reno-Sparks Joint Water Pollution Control Plant (JWPCP). The proposed contract will be a short-term water storage contract effective for a period not to exceed 5 years, unless the city's JWPCP expansion is completed or an alternative contingency plan is developed by the city within that 5-year period.

The Reno-Sparks JWPCP is the primary sewage treatment facility for the Reno-Sparks area. According to the Environmental Protection Agency (EPA), the Reno-Sparks, JWPCP is experiencing severe difficulties in achieving consistent compliance with the National Pollutant Discharge Elimination System (NPDES) permit discharge requirement. Because of the rapid growth rate in the Reno-Sparks area, the Reno-Sparks JWPCP is currently operating at plant capacity, and it is estimated that additional capacity will be required within the year. The cities of Reno and Sparks are expanding and upgrading the Reno-Sparks JWPCP with funding from the EPA. The proposed expansion will be accomplished in two stages—the "Early Start Project" and the "Master Project." The Early Start Project is an interim measure to expedite improvement of water quality conditions in the Truckee River until the Master Project is constructed and operational. The Master Project will bring the JWPCP into full compliance with the final effluent limitations contained in the NPDES permit.

To be eligible for grant assistance from the Federal government for construction of the Early Start Project, the city of Reno must satisfy Condition 10(d) of the Special Conditions to the Early Start Project, Step 3 Grant. Condition 10(d) will require sufficient water be made available to the city of Reno for dilution of sewage effluent to maintain the current quality of the Truckee River during the Early Start Project. It is estimated that 10,000 acre-feet should be available annually for flow augmentation to be used during low flow periods in the Truckee River.

Pursuant to the proposed contract, the Truckee-Carson Irrigation District has agreed to annually store up to 10,000 acre-feet of Little Truckee River water belonging to the district in Stampede Reservoir to be made available to the city for flow augmentation purposes. The Water and Power Resources Service has agreed to provide up to 10,000 acre-feet of excess storage space in Stampede Reservoir, provided excess storage space is available.

Storage of district water in Stampede Reservoir for flow augmentation purposes will be accomplished during the period of March 1 through June 30 of each year unless the March 1 forecast by the Soil Conservation Service indicates the estimated runoff for the period April 1 through July 31 of Little Truckee River water is equal to or greater than 115,000 acre-feet. If this occurs, storage of flow augmentation water will not begin until April 1 of that year.

The district will request the Water and Power Resources Service to store water in Stampede Reservoir and to determine whether the Truckee River requires flow augmentation and, if so, the quantity of water necessary for release from Stampede Reservoir to achieve water quality requirements. The Fish and Wildlife Service will notify the city and the district of the quantity of water to be released and the district will notify the Water and Power Resources Service who will request the release be directed by the Federal water master.

Because the district owns the water, the district has agreed to pay the Water and Power Resources Service $33,000 annually for use of 10,000 acre-feet of excess storage space in Stampede Reservoir. The city has agreed to reimburse the district for any charges the district incurs in connection with the storage of district water for flow augmentation purposes pursuant to this contract. If less than 10,000 acre-feet is stored, the annual payment will be reduced proportionally.

It is agreed by all parties that nothing in the proposed contract shall affect the rights of the district or the United States or any party claiming rights to the use of Carson and Truckee River water except for claims and rights arising under this contract.

For further information and copies of the proposed contract, please contact Mrs. Betty Riley, Division of Water and Power Resources Management, Water and Power Resources Service, 2800 Cottage Way, Sacramento, California 95825, telephone (916) 484-4620.

Comments on the proposed contract will be received up to 15 days following the date of this notice. All written correspondence concerning the proposed contract is available to the general public pursuant to the terms and procedures of the Freedom of Information Act (90 Stat. 365), as amended.

Dated: March 17, 1980.

Clifford J. Barrett,
Commissioner of Water and Power Resources.
INTERSTATE COMMERCE COMMISSION

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after March 1, 1979, are governed by Special Rule 570 of the Commission's Rules of Practice (49 CFR §1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the Federal Register. Protests (such as were allowed to filings prior to March 1, 1979) will be rejected. A petitioner's participation without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. The Commission will also consider (a) the nature and extent of the property, financial, or other interest of the petitioner, (b) the effect of the decision which may be rendered upon petitioner's interest, (c) the availability of other means by which the petitioner's interest might be protected, (d) the extent to which petitioner's interest will be represented by other parties, (e) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and (f) the extent to which participation by the petitioner would broaden the issues or delay the proceeding. Petitions not in reasonable compliance with the requirements of the rule may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission indicating the specific rule under which the petition to intervene is being filed, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named. Section 247(l) provides, in part, that an application which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal. If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication.

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. § 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975. In those proceedings containing a statement or note that dual operations are or may be involved, we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. § 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations will not conflict with the provisions of 49 U.S.C. § 10903(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-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 following decision-notices within 30 days after publication, or the application shall stand denied.

Note—All applications are for authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, except as otherwise noted.

Volume No. 22


By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 2202 (Sub-612F), filed October 29, 1979. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Boulevard, Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Transporting General commodities (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Olney, TX, as an off-route point in connection with applicant's regular routes. (Hearing site: Springfield, MO.)

MC 2202 (Sub-613F), filed October 29, 1979. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Boulevard, Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Transporting General commodities (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Seneca, MO, as an off-route point in connection with applicant's regular routes.

Member Carleton, Vice Chairman


By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 2202 (Sub-612F), filed October 29, 1979. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Boulevard, Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Transporting General commodities (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Olney, TX, as an off-route point in connection with applicant's regular routes. (Hearing site: Springfield, MO.)

MC 2202 (Sub-613F), filed October 29, 1979. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Boulevard, Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Transporting General commodities (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Seneca, MO, as an off-route point in connection with applicant's regular routes.
applicant’s regular routes. (Hearing site: Dallas, TX.)

MC 2202 (Sub-614F), filed October 29, 1979. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Boulevard, Akron, OH 44308. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. To operate as a common carrier, by motor vehicle, over regular routes, transporting General commodities (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Mt. Holly Springs, PA, as an off-route point in connection with applicant’s present authority. (Hearing site: Harrisburg, PA.)

MC 2202 (Sub-616F), filed October 24, 1979. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Boulevard, Akron, OH 44308. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. To operate as a common carrier, by motor vehicle, over regular routes, transporting General commodities (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Mt. Holly Springs, PA as an off-route point in connection with applicant’s present authority. (Hearing site: Harrisburg, PA.)

MC 2202 (Sub-617F), filed October 24, 1979. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Boulevard, Akron, OH 44308. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. To operate as a common carrier, by motor vehicle, over regular routes, transporting General commodities (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Mt. Holly Springs, PA as an off-route point in connection with applicant’s regular routes. (Hearing site: New York City, NY.)

MC 7843 (Sub-3F), filed October 30, 1979. Applicant: AMENDOLA TRUCKING & RIGGING, INCORPORATED, 2761 State Street, Hackett, CT 06517. Representative: Thomas W. Murrell, 342 North Main Street, West Hartford, CT 06117.

MC 9707 (Sub-64F), filed October 25, 1979. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, NJ 07047. Representative: Morton E. Kiel, Suite 802, 2 World Trade Center, New York, NY 10048. Transporting General commodities (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, commodities in bulk and articles of unusual value) between points in the United States, restricted to the transportation of traffic originating at or destined to facilities used by ICI Americas, Inc. (Hearing site: New York, NY.)


MC 24583 (Sub-32F), filed October 30, 1979. Applicant: FRED STEWART COMPANY, P.O. Box 665, Magnolia, AR 71753. Representative: James M. Duckett, 927 Pyramid Life Building, Little Rock, AR 72201. Transporting Plastic Pipe and Plastic Fittings, from the facilities of Can Tex Industries, Inc. at Columbus, MS, to points in the United States on and east of U.S. Highway 85. (Hearing site: Little Rock, AR or Jackson, MS.)


MC 29883 (Sub-6F), filed October 30, 1979. Applicant: FISCHER MOTOR LINES, INC., 925 Louisiana, Detroit, MI 48203. Representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. Transporting printed matter, paper and paper products, and materials and supplies used in the manufacture of printed matter, paper and paper products, (except in bulk), between points in AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NJ, NH, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, and WI. (Hearing site: Detroit, MI.)

MC 43963 (Sub-29F), filed October 28, 1979. Applicant: CHIEF TRUCK LINES, INC., 1479 Ripley Street, Lake Station, IN 46405. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Transporting Iron and steel articles, from Chicago, IL to the facilities of Deere & Company in Scott County, IA. (Hearing site: Chicago, IL)

MC 56902 (Sub-17F), filed October 15, 1979. Applicant: MANLEY TRANSFER CO., INC., P.O. Box 1576 SSS, Springfield, MO 65806. Representative: A. J. Whisler (same address as applicant). To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting general commodities (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) serving points in Woodson, Allen, Wilson, Neosho, Montgomery, Labette, and Cherokee Counties, KS as off-route points in connection with carrier’s otherwise regular route authority. (Hearing site: Kansas City, MO, or Coffeyville, KS.)

MC 65929 (Sub-31F), filed October 30, 1979. Applicant: THE MARYLAND TRANSPORTATION COMPANY, a corporation, 1111 Franklin Ave., Baltimore, MD 21223. Representative: Charles J. Broun, Jr. (same address as applicant). Transporting (1) iron and steel articles, from the facilities of Commercial Shearing, Inc., at Youngstown, OH, to points in the United States in and east of WI, IL, KY, TN, MS, and LA; (2) structural steel plate, from the facilities of Dura Bond Protective Covering Company, Inc., at Export, PA, to points in the United States in and east of WI, IL, KY, TN, MS, and LA; and (3) structural steel plate, from the facilities of Hanlon-Gregory Company at Pittsburgh, PA, to points in the United States in and east of WI, IL, KY, TN, MS, and LA, restricted in (1), (2), and (3) above to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Washington, DC or Pittsburgh, PA.)
Federal Register / Vol. 45, No. 59 / Tuesday, March 25, 1980 / Notices

MC 59292 [Sub-32F], filed October 25, 1979. Applicant: THE MARYLAND TRANSPORTATION COMPANY, a corporation, 1111 Franklin Ave., Baltimore, MD 21223. Representative: Charles J. Braun, Jr. (same address as applicant). Transportation (A) refractories and refractory products (1) from the facilities of Harbison Walker Refractories at Baltimore, MD, to points in OH on and east of a line beginning at Sandusky, OH, then along U.S. Hwy 23 to Portsmouth, OH, and points in WV on and north of WV Hwy 68, and (2) from the facilities of Harbison Walker Refractories at Portsmouth and Windham, OH, to points in MD, NJ, PA, WV, and DC, on and north of WV Hwy 68, and (B) materials and supplies used in the manufacture and installation of the commodities in (A) above (except in bulk), in the reverse direction, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Washington, DC.)

MC 59292 [Sub-33F], filed October 15, 1979. Applicant: THE MARYLAND TRANSPORTATION COMPANY, a corporation, 1111 Franklin Ave., Baltimore, MD 21223. Representative: Charles J. Braun, Jr. (same address as applicant). Transportation (1) paper and paper products from the facilities of Union Camp Corporation, near or at Franklin and Richmond, VA, to points in OH, NY, CT, MD, DE, NJ, PA and DC, and (2) materials, equipment and supplies (except in bulk) used in the manufacture of commodities in (1) in the reverse direction, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Washington, DC or Baltimore, MD.)

MC 59292 [Sub-34F], filed October 16, 1979. Applicant: THE MARYLAND TRANSPORTATION COMPANY, a corporation, 1111 Franklin Ave., Baltimore, MD 21223. Representative: Charles J. Braun, Jr. (same address as applicant). Transportation General Commodity (except in bulk) between points in the United States (except AK and HI); restricted to traffic originating at or destined to the facilities of Union Camp Corporation, and to the extent the commodity description embraces Classes A and B explosives, the authority will be limited in point of time to 5 years from the effective date of the issuance of a certificate. (Hearing site: Washington, DC.)

MC 59292 [Sub-35F], filed October 16, 1979. Applicant: MARIE R. CAVALLERI, d.b.a. M & J TRUCKING, 20 Atlantic Street, Bridgeport, CT 06604. Representative: James M. Burns, 1383 Main Street—Suite 413, Springfield, MA 01103. Transporting iron and steel, electrical conduit, pipe and accessories, from Brookfield, OH, to points in CT, ME, MD, MA, NH, NJ, NY, PA, RI and VT. (Hearing site: Washington, DC.)

TRANSPORTATION COMPANY, a corporation, 1111 Franklin Ave., Baltimore, MD 21223. Representative: Harry Pohlad (same address as applicant). To operate as a common carrier, in interstate or foreign commerce, over regular routes, transporting General Commodity (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving Claremont and Sumner, IL as off-route points in connection with applicant's presently authorized regular route authority. (Hearing site: Springfield, IL or St. Louis, MO.)

MC 59443 (Sub-30F), filed October 30, 1979. Applicant: OVERNITE EXPRESS, INC., 2550 Long Lake Road, Roseville, MN 55113. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. Transporting (1) Plastic articles, and (2) Materials, equipment and supplies used in the manufacture of plastic articles, between the facilities of Norwesco, Inc., at Grundy Center, IA; Belle Plaine and St. Bonifacius, MN; Gastonia, NC; and Spartanburg, SC, on the one hand, and on the other points in the United States (except AK, HI and ME), restricted to the transportation of traffic originating at or destined to the facilities of Norwesco, Inc. (Hearing site: Minneapolis or St. Paul, MN.)

MC 103373 [Sub-9F], filed October 25, 1979. Applicant: HOWARD MARTIN, INC., 4515 Meyer Rd., Fort Wayne, IN 46801. Representative: Leonard R. Kofkin, 39 South LaSalle St., Chicago, IL 60603. Transporting (1) machinery and such commodities which require special equipment or specialized handling because of size or weight, and (2) equipment, materials, and supplies used in the manufacture of the commodities in (1) above, between the facilities of International Harvester Co., at or near Fort Wayne, IN, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of International Harvester Co. (Hearing site: Fort Wayne, IN.)

MC 103393 [Sub-1014F], filed October 25, 1979. Applicant: MORGAN DRIVEAWAY, INC., 22651 U.S. 29 West, Elkridge, MD 21075. Representative: James B. Buda (same address as applicant). Transporting Portable bleachers from the facilities of Port-A-Bleacher at or near Phoenix, AZ, to points in the United States in and west of ND, SD, NE, KS, OK, and TX. (Hearing site: Columbus, OH.)

MC 106653 [Sub-214F], filed October 22, 1979. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain St. SW, P.O. Box 22, Grand Rapids, MI 49506. Representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167. Transporting (1) such commodities as are dealt in by grocery and food business houses and agricultural feed business houses, soy products, paste, and (2) materials, equipment, and supplies used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), between points in IL, IA, KY, MI, MO, OH, and WI, restricted to the transportation of traffic originating at or destined to the facilities of Ralston Purina Company. (Hearing site: Washington, DC or Chicago, IL.)

MC 107012 [Sub-44F], filed October 22, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 966, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). Transporting Air coolers, air conditioners, heat pumps, and parts and accessories for air coolers, air conditioners, and heat pumps, from the facilities of General Electric Company, at or near Fort Smith, AR, to points in AZ, CA, CO, ID, IA, KS, LA, MN, MS, MT, ND, NM, NV, OK, OR, SD, TX, UT, WA and WY. (Hearing sites: Dallas, TX or Washington, DC.)

MC 107012 [Sub-44F], filed October 22, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 966, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). Transporting Screenhouses
from the facilities of General Aluminum Products, Inc., at or near Charlotte, MI to points in the United States (except AK and HI). (Hearing sites: Detroit, MI or Washington, DC.)

MC 107012 (Sub-451F), filed October 25, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). Transporting Air coolers, air conditioners, humidifiers, heat pumps, air cleaners, and parts and accessories for air conditioners, humidifiers, heat pumps, and air cleaners, from the facilities of General Electric Co., at or near Tyler, TX, to points in AL, AR, AZ, CA, CO, FL, GA, IA, ID, KS, KY, LA, MN, MS, MT, NC, ND, NM, NV, OK, OR, SC, SD, TN, UT, VA, WA, and WY. (Hearing site: Dallas, or Houston, TX.)

MC 107012 (Sub-453F), filed October 25, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). Transporting (1) foodstuffs (except commodities in bulk and commodities requiring the use of vehicles equipped with mechanical refrigeration) and (2) materials, equipment and supplies used in the manufacture and distribution of foodstuffs, between points in the United States, restricted to the transportation of traffic originating at the above-named origins and destined to the facilities of Frito-Lay, Inc. (Hearing sites: Dallas, TX or Washington, DC.)

MC 107012 (Sub-460F), filed October 29, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). Transporting Mist eliminators, asbestos cooling tower media, plastic baffle and plastic articles, from the facilities of the Munters Corporation at or near Fort Meyers, FL, and Tampa, FL, to points in the United States (except AK and HI). (Hearing sites: Miami or Jacksonville, FL.)

Note—Common control may be involved.

MC 110393 (Sub-508F), filed October 30, 1979. Applicant: GOLDWYN FOOD EXPRESS, INC., P.O. Box 747, State Route 29 N., Sidney, OH 45365. Representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, IL 60602. Transporting Meats, meat products, meat by-products, and articles distributed by meat packhouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from Cudahy and Milwaukee, WI, to points in CT, DE, DC, MD, MA, NH, NJ, NY, PA, RI, VA, and WV. (Hearing site: Milwaukee, WI or Chicago, IL.)

MC 111812 (Sub-689F), filed October 26, 1979. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Lamoyne Brandsma (same address as applicant). Transporting Furniture, from Phoenix, AZ, and Los Angeles, CA, to Sioux Falls, SD. (Hearing site: Sioux Falls, SD.)

MC 111812 (Sub-682F), filed October 26, 1979. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: R. H. Jinks (same address as applicant). Transporting (1) Pet food mix (except in bulk), from the facilities of Geo. A. Hormel & Co. at Davenport, IA, to points in IL, KS, MN, MO, NE, SD and WI; and (2) Hog and pig skins and trimmings, from points in IL, KS, MN, MO, NE, SD and WI to the facilities of Geo. A. Hormel & Co. at Davenport, IA. (Hearing site: Omaha, NE.)

MC 112063 (Sub-21F), filed October 15, 1979. Applicant: P. L. I. & I. MOTOR EXPRESS, INC., Broadway Ave. Extension, Masury, Oh., P.O. Box 685, Sharon, PA 16146. Representative: Milen Tatolovich, 11 West Liberty St., Girard, OH 44420. Transporting (1) iron and steel articles, and (2) materials, equipment and supplies used in the manufacture and distribution of iron and steel articles, between Sharon, PA, and points within five miles of Sharon, PA, on the one hand, and, on the other, points in WI, MO, WV, KY, IA, MN, OH, and the lower Peninsula of MI. (Hearing site: Cleveland, OH or Pittsburgh, PA.)

MC 112713 (Sub-287F), filed October 29, 1979. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Overland Park, KS 66207. Representative: Robert E. DeLand (same address as applicant). Transporting General Commodities (except Classes A and B explosives, commodities in bulk, household goods as defined by the Commission, commodities of unusual value, and those requiring special equipment) serving the facilities of Monsanto Company at Chocolate Bayou, TX, as an off-route point in connection with carrier's otherwise authorized operations. (Hearing site: Chicago, IL or Kansas City, MO.)

MC 113382 (Sub-370F), filed October 22, 1979. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Representative: Milton D. Adams, 1103½ Eight Avenue NE., P.O. Box 429, Austin, MN 55912. Transporting MEATS, MEAT PRODUCTS, MEAT BYPRODUCTS, and ARTICLES DISTRIBUTED BY MEAT PACKING HOUSES as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, (except hides and commodities in bulk) and FOODSTUFFS (except in bulk), from the facilities of Geo. A. Hormel & Co., at or near Austin, and Owatonna, MN and Beloit, WI, to points in TN. Restricted to the Transportation of Traffic originating at the above-named origins and destined to the named destinations. (Hearing sites: Minneapolis, MN or Des Moines, IA.)

MC 114227 (Sub-672F), filed October 30, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52405. Representative: Kenneth L. Core (same address as applicant). Transporting Agricultural implements and parts, from Grinnell, IA, to Hagerstown, MD. (Hearing site: Chicago, IL or Washington, DC.)

Note—Common control may be involved.

MC 114227 (Sub-671F), filed October 30, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52405. Representative: Kenneth L. Core (same address as applicant). Transporting Flat glass, from the facilities of PPG Industries, Inc. at or near Mt. Holly Springs, PA, and Cumberland, MD, to points in IL, WI, IA, MN, NE, MO, KS, and CO. (Hearing site: Chicago, IL or Washington, DC.)

Note—Common control may be involved.

MC 114227 (Sub-674F), filed October 30, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52405. Representative: Kenneth L. Core (same address as applicant). Transporting (1) Such merchandise as is sold by grocery, department and food business houses; and (2) Equipment, materials and supplies used in the conduct of such businesses (except in bulk, in tank vehicles), from Baltimore, MD, to points in OH and MI. (Hearing site: Chicago, IL or Washington, DC.)

Note—Common control may be involved.

MC 114483 (Sub-283F), filed September 25, 1979. Applicant: APPLE LINES, INC., P.O. Box 207, Madison, SD 57042. Representative: David E. Peterson (same address as applicant). Transporting frozen bakery goods, from Saugatuck and Holland, MI to points in CO, CT, DE, GA, ID, IL, IN, IA, KS, KY, TN, MD, MA, MN, MS, MO, MT, NE, NJ, NY, ND, OH, OK, PA, RI, SD, UT, VA, WV, WI & WY. (Hearing site: Chicago, IL or Minneapolis MN.)
MC 115162 (Sub-512F), filed October 30, 1979. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 506, Evergreen, AL 36401. Representative: Robert E. Tate (same as above). Transporting (1) iron and steel articles from Gerald, MO, to points in the United States (except AK and HI); and (2) materials and supplies used in the manufacture and distribution of iron and steel articles (except commodities in bulk, in tank vehicles) from points in the United States (except AK and HI) to Gerald, MO. (Hearing site: St. Louis, MO or Chicago, IL.)

MC 116763 (Sub-614F), filed October 30, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: Gary J. Jira (same as above). Transporting such materials, equipment and supplies used in the manufacturing, processing and distribution of paper and paper products, and paper and paper products (except commodities in bulk, in tank vehicles), from points in the United States (except AK, HI and), to the facilities of (a) Georgia Banta Company, Inc., at or near Neenah and Menasha, WI, and (b) Wisconsin Tissue Mills, Inc., at or near Menasha, WI. Restricted to traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Milwaukee, WI.)

MC 117923 (Sub-61F), filed October 15, 1979. Applicant: DUNKLEY REFRIGERATED TRANSPORT, INC., 1915 South 900 West, Salt Lake City, UT 84104. Representative: Don L. Bryce, 5565 East 52nd Avenue, Commerce City, CO 80022. Transporting foodstuffs, (except in bulk) from Phoenix, AZ to Salt Lake City, UT. (Hearing site: Denver, CO.)

Note.—Common control may be involved.

MC 118263 (Sub-97F), filed October 15, 1979. Applicant: COLDWAY CARRIERS, INC., P.O. Box 2038, Clarksville, IN. Representative: William P. Whitney, Jr., 708 McClure Bldg., Frankfort, KY 40601. Transporting foodstuffs, in vehicles equipped with mechanical refrigeration, (1) between the facilities of the Delaware Freezer Center at or near Newark, DE, and of the Bay Central Freezer at or near Milford, DE, on the one hand, and, on the other, points in the United States in and east of MN, IA, MO, AR, and LA; and (2) between the facilities of the Delaware Freezer Center at or near Newark, DE, and the facilities of the Bay Central Freezer at or near Milford, DE, restricted in (1) and (2) above to the transportation of traffic originating at or destined to the facilities of Delaware Freezer Center at or near Newark, DE, or the facilities of Bay Central Freezer at or near Milford, DE. (Hearing site: Louisville, KY.)

MC 119493 (Sub-323F), filed October 29, 1979. Applicant: MONKEM COMPANY, INC., P.O. Box 1506, Joplin, MO 64801. Representative: Thomas D. Boone (same as above). Transporting stainless steel, nickel alloys, and materials and supplies, used in the manufacture, processing, and distribution thereof (except commodities in bulk) between Ft. Worth, TX, on the one hand, and, on the other, points in the United States in and east of MT, WY, CO, and NM (except AK and HI). Note.—No dual operation will be involved. (Hearing site: Ft. Worth or Dallas, TX.)

MC 121793 (Sub-3F), filed October 15, 1979. Applicant: JESSE EASLEY d.b.a. VAL VERDE CARTAGE & STORAGE, Box 302, Socorro, NM 87801. Representative: James E. Snead, P.O. Box 2228, 215 Lincoln Ave., Santa Fe, NM 87501. To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, from Albuquerque, NM, and Las Cruces, NM, over Interstate Hwy 25, serving all intermediate points; (2) between Albuquerque, NM and Las Cruces, NM: from Albuquerque, NM over U.S. Hwy 85 to junction U.S. Hwy 85 and Interstate Hwy 25 at or near Isleta, NM, then over Interstate Hwy 25 to junction NM Hwy 85 and Interstate Hwy 25 at or near Arrey, NM, then over NM Hwy 85 to Las Cruces, NM and return over the same route, serving all intermediate points. (Hearing site: Socorro or Albuquerque, NM.)

MC 123133 (Sub-7F), filed October 26, 1979. Applicant: DENNY TRANSPORT, INC., 4019 Industrial Parkway, Jeffersonville, IN 47130. Representative: John M. Nader, 1800 Citizens Plaza, Louisville, KY 40202. Transporting point paint, in bulk, in tank vehicles, from facilities of FmMont Corp., at or near Cincinnati, OH, to Baltimore, MD. (Hearing site: Cincinnati, OH.)

Note.—Dual operations may be involved.

MC 123272 (Sub-41F), filed October 26, 1979. Applicant: FAST FREIGHT, INC., 9651 S. Ewing Avenue, Chicago, IL 60617. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Transporting Plastic bottles, from Vandalia, IL, Jeffersonville, IN and Louisville, KY to points in IA, IL, KY, MI, MO, OH, TN and WI restricted to traffic originating at the facilities of IMCO Container Company at the above-named points. (Hearing site: Chicago, IL.)


MC 124673 (Sub-44F), filed October 15, 1979. Applicant: FEED TRANSPORTS, INC., P.O. Box 2187, Amarillo, TX 79105. Representative: Thomas F. Sedberry, 801 Vaughn Buving, Austin, TX 78701. Transporting (1) liquid fertilizer [a] from points in Hutchinson and Moore Counties, TX, to points in KS, OK, CO and NE; and (b) between points in KS, those points in OK north and west of Interstate Highways 40 and 35, and points in Prowers and Baca Counties, CO, (2) pot ash, in bulk, from points in Eddy County, NM, to points in OK, KS, MO, NE and TX, and (3) dry fertilizer, in bulk, from points in Chaves, Lea and Eddy Counties, NM, and points in Hale and Brazoria Counties, TX, to points in OK and KS. (Hearing site: Kansas City, KS, or Oklahoma City, OK.)

MC 127042 (Sub-284F), filed October 25, 1979. Applicant: HAGEN, INC., P.O. Box 98, Leeds Station, Sioux City, IA 51106. Representative: Joseph B. Davis (same address as applicant). Transporting meats, meat products, meat by-products and articles distributed by meatpacking houses, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 295 and 276 (except hides and commodities in bulk), from the facilities of Wilson Foods Corp., at Des Moines, IA to points in IN, KS, and MO, restricted to the transportation of traffic originating at the above-mentioned origins and destined to the above-mentioned destinations. (Hearing site: Dallas, TX or Kansas City, MO.)

MC 127042 (Sub-285F), filed October 30, 1979. Applicant: HAGEN, INC., P.O. Box 98, Leeds Station, Sioux City, IA 51106. Representative: Joseph B. Davis (same as above). Transporting Meat, meat products and meat by-products, and articles distributed by meat packing facilities.
packaginghouses, as described in Sections A and C of Appendix 1 to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 205 and 766 (except hides and except commodities in bulk) from the facilities of Hyplains Beef, Inc. at or near Dodge City, KS to points in the United States (except AK and HI). (Hearing site: Wichita, KS.)

MC 132373 (Sub-377F), filed October 15, 1979. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 169, Fort Scott, KS 66701. Representative: Elden Corban (same as above). Transporting such commodities as are used or dealt in by manufacturers and distributors of furniture and bedding products (except commodities which because of size or weight require the use of special equipment, and except commodities in bulk, in tank vehicles), between points in the United States (except AK and HI). (Hearing site: Kansas City, MO, or Washington, DC.)

MC 135953 (Sub-7F), filed October 15, 1979. Applicant: CHEROKEE LINES, INC., P.O. Box 152, Cushing, OK 74023. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68103. Transporting foodstuffs (except in bulk) from the facilities of International Multifoods Corporation at or near Melrose Park, IL to points in OK and TX. (Hearing site: Chicago, IL or Oklahoma City, OK.)

MC 138343 (Sub-168F), filed October 20, 1979. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, MA 02147. Representative: Herbert R. Nurick, P.O. Box 1108 (100 Pine Street), Harrisburg, PA 17105. Transporting Starch and chemicals (except in bulk) from the facilities of National Starch and Chemical Corporation, at or near Indianapolis, IN, to points in CT, DE, MD, MA, NH, NJ, NY, PA, RI, VT, VA, and DC. (Hearing site: Harrisburg, PA, or Washington, DC.)

MC 136553 (Sub-90F), filed October 24, 1979. Applicant: ART PAPE TRANSFER, INC., 1050 East 12th Street, Dubuque, IA 52001. Representative: William L. Fairbank. 1980 Financial Center, Des Moines, IA 50309. Transporting Malt beverages from Dubuque, IA, to points in IA and WI. (Hearing site: Chicago, IL or Des Moines, IA.)

MC 136553 (Sub-92F), filed October 24, 1979. Applicant: ART PAPE TRANSFER, INC., 1050 East 12th Street, Dubuque, IA 52001. Representative: William L. Fairbank. 1980 Financial Center, Des Moines, IA 50309. Transporting Salt, (1) From Chicago, IL, to points in IA and WI, and (2) From Milwaukee, WI, to points in IA. (Hearing site: Chicago, IL.)

MC 136773 (Sub-86F), filed October 30, 1979. Applicant: S.T.S. MOTOR FREIGHT, INC., 107 Evergreen Road, Stratford, NJ 08084. Representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. Transporting General commodities (except those of unusual value, and except Classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and those requiring special equipment) between the carrier's terminals in Pennsauken, NJ and Philadelphia, PA, on the one hand, and, on the other, points in DE, Baltimore, MD, and points in Baltimore, Carroll, Cecil, Frederick, and Hartford Counties, MD, those in NJ north of the northern boundaries of Burlington and Ocean Counties, NJ, those in the New York, NY, Commercial Zone as defined by the Commission, and those in PA on and east of US Hwy 15 from the MD-PA State Line to Harrisburg, PA, and on and south of US Hwy 22 from Harrisburg, PA, to Easton, PA. (Hearing site: Philadelphia, PA.)

MC 136882 (Sub-318F), filed October 31, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Box Drawer 707, Troy, AL 36081. Representative: John J. Dykema (same address as applicant). Transporting (1) plumbing goods (2) bathroom vanities, and accessories for bathroom vanities, and (3) equipment, materials, and supplies used in the manufacture and distribution of the commodities in (1) and (2) above (except commodities in bulk), between the facilities of Universal-Rundle Corporation at Phoenix, AZ, Redlands, CA, Union Point and Monroe, GA, Rensselaer and Crawfordsville, IN, Leominster, MA, Oittumwa, IA, Salem, OH, New Castle, PA, Hondo and Corsicana, TX, and Other Points, WI, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the designated facilities. (Hearing site: Pittsburgh, PA or Birmingham, AL.)

MC 136882 (Sub-320F), filed October 31, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Box Drawer 707, Troy, AL 36081. Representative: John J. Dykema (same address as applicant). Transporting (1) furniture, furniture parts, components, and accessories for furniture and furniture parts, and (2) materials, equipment, and supplies used in the manufacture and distribution of the commodities in (1) above, between the facilities of Leggett Platts Incorporated in the United States, on the one hand, and, on the other, points in the United States (except AK and HI), restricted in (1) and (2) above to the transportation of commodities in bulk, in tank vehicles, and commodities which because of size or weight require the use of special equipment, and further restricted to the transportation of traffic originating at or destined to the named shipper facilities. (Hearing site: Joplin, MO or Birmingham, AL.)

MC 139822 (Sub-6F), filed October 24, 1979. Applicant: FOOD CARRIER, INC., P.O. Box 2287, Savannah, GA 31402. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. & 13th St., NW., Washington, DC 20004. Transporting raw sugar, in bulk, in vans, from points in FL to Port Wentworth, GA. (Hearing site: Savannah, GA or Washington, DC.)

MC 139882 (Sub-6F), filed October 29, 1979. Applicant: BARNEY TRUCKING, INCORPORATED, 850 West Main Street, Salina, UT 84654. Representative: D. Michael Jorgensen, Post Office Box 2465, Salt Lake City, UT 84110. Transporting decorative rock, between points in AZ, CA, CO, ID, NV, NM, OR, UT, WA and TX. (Hearing site: Salt Lake City, UT.)

MC 139973 (Sub-797F), filed October 24, 1979. Applicant: J. H. WARE TRUCKING, INC., P.O. Box 368, Fulton, MO 65251. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Transporting (1) electrical appliances, electrical equipment, electrical parts, polylene hardware, crane and derrick parts and accessories; and (2) materials and supplies used in the manufacture and distribution of the commodities in (1), between the facilities of A.B. Chance and Company at or near South Plainfield, NJ, Parkersburg, WV, Houston, TX, Dallas, TX, Mesquite, TX, Birmingham, AL, San Jose, CA, and West Chicago, IL, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of shipments originating at or destined to the facilities of A.B. Chance and Company at the named points and, (b) restricted in (1) and (2) against the transportation of (1) commodities which because of their size or weight require the use of special equipment, and (2) commodities in bulk. (Hearing site: St. Louis, MO.)

MC 141299 (Sub-40F), filed October 15, 1979. Applicant: JOHN LONG TRUCKING, INC., 1630 East Denton, Sapulpa, OK 74066. Representative: Wilburn L. Williamson, Suite 615-East, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting such commodities as are dealt in or used by manufacturers distributors of waterbeds, from Colorado Springs, CO and Los Angeles, CA to points in CO,
Street, NW., Washington, DC 20001.
Transporting welding supplies and equipment (except commodities in bulk) from Monticello, IN; Appleton, WI; and Hanover, PA, to points in Hillsborough and Pinellas Counties, FL. (Hearing site: Tampa, FL.)

Note.—Dual operations may be involved.

MC 142592 (Sub-2F), filed October 30, 1979. Applicant: H. L. STANSELL, INC., 1221 U.S. Alternate Highway 19, P.O. Box 158, Palm Harbor, FL 33756.
Representative: David C. Venable, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001.
Transporting welding supplies and equipment (except commodities in bulk) from Monticello, IN; Appleton, WI; and Hanover, PA, to points in Hillsborough and Pinellas Counties, FL. (Hearing site: Tampa, FL.)

Note.—Dual operations may be involved.

MC 141242 (Sub-67F), filed October 29, 1979. Applicant: THOMAS D. HOPKINS, 1221 U.S. Alternate Highway 19, P.O. Box 158, Palm Harbor, FL 33756.
Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 15222. Transporting coal, in bulk, in dump vehicles, from points in Clarion County, PA to points in NY on and west of Interstate Hwy 81. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 134322 (Sub-3F), filed October 23, 1979. Applicant: CONSOLIDATED CARRIERS, INC., 121 Sunrise Drive, Irwin, PA 15642. Representative: Partick E. Quinn, 1718 Estrella Circle, Chattanooga, TN 37421. 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 which because of size or weight require the use of special equipment), from the facilities of Empire State Shippers Association at Buffalo, NY to points in KY, VA, TN, NC, SC, MS, AL, GA, FL, LA, AR, MO, IL, IA, WI, MN, ND, SD, NE, KS, OK, TX, MT, WY, CO, NM, UT, and ID. (Hearing site: Buffalo, NY.)

Note.—Dual operations may be involved.

Representative: Chester A. Zylbut, 365 Executive Building, 1030 Fifteenth Street NW., Washington, DC 20005.
Transporting materials, supplies, and equipment used in the manufacture and distribution of footwear (except commodities in bulk), from points in the United States (except AK and HI), to Wilton, ME. (Hearing site: Portland or Bangor, ME.)

Note.—Dual operations may be involved.

MC 144122 (Sub-6F), filed October 19, 1979. Applicant: CARRETTA TRUCKING, INC., South 160, Route 17 North, Paramus, NJ 07652.
Representative: Charles J. Williams, 1815 Front Street, Scotch Plains, NJ 07076. Transporting plastic products and plastic materials (except in bulk), from the facilities of the Union Carbide Corporation in NJ to points in AZ, AR, CA, CO, GA, IL, IN, IA, KS, MI, MO, NE, NV, NM, NC, OK, SC, TX, UT, and WI. (Hearing site: New York, NY.)

Note.—Dual operations may be involved.

MC 145072 (Sub-25F), filed October 26, 1979. Applicant: M. S. CARRIERS, INC., 7372 Eastern Avenue, Germantown, TN 38137.
Representative: A. Doyle Cloud, Jr., 2006 Clark Tower 5100 Poplar Avenue, Memphis, TN 38137. Transporting petroleum products (except in bulk), automotive parts and materials, equipment and supplies used in service station operation, from the facilities of Exxon Company, U.S.A., at or near Baton Rouge, LA, to points in AL, AR, MS, and TN. (Hearing site: Memphis, TN.)

MC 145882 (Sub-3F), filed October 12, 1979. Applicant: KUVASZOK TRANSPORT, INC., 1630 Rhonda Road, St. Joseph, MI 49066. Representative: J. Joseph Daly, P.O. Box 558, St. Joseph, MI 49065. Transporting (1) Sand, in bulk, from the facilities of Manley Bros. of Indiana, Inc., in Berrien County, MI, and LaSalle County, IL, to points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, WA, WV, and WI; and (2) dry fertilizer, fertilizer material, and dry urea, from the facilities of C.F. Industries, Inc., at or near Terre Haute, IN, and Mapleton, IL, to points in MI. (Hearing site: Chicago, IL.)

MC 145234 (Sub-1F), filed October 15, 1979. Applicant: STEPHEN HROUGAHL d.b.a. TRANSCONTINENTAL REFRIGERATED LINES, P.O. Box 1456, Scranton, PA 18503.
Representative: Joseph F. Hoarly, 121 South Main St., Taylor, PA 18517. Transporting nitric, sulfuric and hydrochloric acids, in shipper owned tank vehicles, between Phillipsburg, NJ and Hayward, CA. (Hearing site: Philadelphia, PA.)

MC 146662 (Sub-2F), filed October 15, 1979. Applicant: STAMEY ENTERPRISES, INC., 7850 102nd Place South, Baynton Beach, FL 33435.
Representative: Richard B. Austin, Esq., Suite 214, Palm Coast B Building, 533 N.W. 87th Avenue, Miami, Florida 33127. Transporting foodstuffs, prepared foods and drinks mixers between New York, NY, Chicago, IL, Newark, Ridgefield and Pennsauken, NJ, Berwick, Monteville and York, PA, Cleveland, OH, Boston, MA, Oconomowoc, WI, Birmingham, AL, and Atlanta, GA, on the one hand,
and, on the other, points in Dade County, FL. (Hearing site: Miami, FL.)

MC 146793 (Sub-4F), filed October 19, 1979. Applicant: SAM YOUNG, INC., P.O. Box 337, Wolcott, IN 46995. Representative: Donald W. Smith, P.O. Box 40246, Indianapolis, IN 46240. Transporting (1) Cosmetics and jewelry products, and (2) materials used in the manufacture of cosmetics, and apparel in bulk, between the United States and Canada, and between the port of entry on the international boundary line between the United States and Canada at Blaine, WA. (Hearing site: Seattle, WA.)

MC 147349 (Sub-4F), filed October 18, 1979. Applicant: TREADWAY CARRIERS, INC., P.O. Box 364, Westfield, IN 46074. Representative: Orville G. Lynch (same address as applicant). Transporting Loudspeakers, and materials used in the manufacture of loudspeakers, (except commodities in bulk) from Tiffin, OH, to Los Angeles, CA, Miami, FL, Atlanta, GA, Chicago, IL, Santa Claus, IN, Baltimore, MD, Boston, Newburyport, and North Adams, MA, Minneapolis, MN, St. Louis, MO, Albany and New York, NY, Shawnee, OK, and Dallas and Houston, TX. (Hearing site: Indianapolis, IN.)

Note—Dual operations may be involved.

MC 147422 (Sub-4F), filed October 15, 1979. Applicant: LAVERO TRUCKING, INC., 70 Maureen Drive, Bristol, CT 08010. Representative: Thomas W. Murrett, 342 North Main Street, West Hartford, CT 06117. Transporting circuit breakers, and circuit breaker parts and components, between Plainville, CT and Elizabeth, NJ, restricted to the transportation traffic having a prior or subsequent movement by water, and circuit breakers from Plainville, CT to North Bergen, NJ. (Hearing site: Hartford or New Haven, CT.)

MC 147793 (Sub-2F), filed October 25, 1979. Applicant: C. L. HALL, Route 2, Cumby, TX 75433. Representative: Lawrence A. Winkle, P.O. Box 45538, Dallas, TX 75245. Transporting Feed supplements, between points in LA, TX, AR, OK, MO, and KS. (Hearing site: Dallas, TX.)

MC 146273 (Sub-1F), filed October 15, 1979. Applicant: FIRST SERVICE DRIVEWAY, INC., 127 South Cornell Circle, Fort Wayne, IN 46077. Representative: Constance J. Goodwin, Suite 800, Circle Tower, Five East Market Street, Indianapolis, IN 46204. Transporting motor homes, travel trailers and automobiles, between points in Claiborne and Grainger Counties, TN, on the one hand, and, on the other, points in the United States (except AK and HI).

MC 146055 (Sub-1F), filed October 17, 1979. Applicant: LOOP CARTAGE, INC., 1816 North Commercial, Milwaukee, WI 53212. Representative: Lawrence P. Kahn, 161 West Wisconsin Ave., Suite 5170, Milwaukee, WI 53202. Transporting general commodities (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities, which because of size or weight, require the use of special equipment), between Milwaukee, WI, and Chicago, IL restricted to the transportation of traffic having a prior or subsequent movement by air or water. (Hearing site: Milwaukee, WI.)

MC 146513F, filed October 26, 1979. Applicant: I. PETERS TRANSPORT, LTD., 85 Douglas Rd., Winnipeg, Manitoba, Canada R2J 3B6. Representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting (1) liquid fertilizer and liquid fertilizer ingredients, in bulk, from points in MN and ND to ports of entry on the international boundary line between the United States and Canada in MN and ND, and (2) potash, in bulk, from points of entry on the international boundary line between the United States and Canada in MN and ND to points in MN and ND. (Hearing site: Fargo, ND or St. Paul, MN.)

Volume No. 23

By the Commission, Review Board Number 2, Members Eaton, Liberman and Jensen.


Transporting general commodities (except those of unusual value Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Nacogdoches, TX as an off-route point in connection with applicant's present authority. (Hearing site: Dallas, TX.)


Transporting general commodities (except those of unusual value Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, over regular routes: 1. Between Rogers and Mountain Home, AR over US Hwy 62 serving all intermediate points, 2. Between Conway, AR and Springfield, MO over US Hwy 65 serving all intermediate points and serving Springfield for jointer only. (Hearing site: Little Rock, AR.)
MC 2392 (Sub-131F), filed October 18, 1979. Applicant: WHEELER TRANSPORT SERVICE, INC., P.O. Box 14248, West Omaha Station, Omaha, NE 68124. Representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Transporting tallow from Oakland, IA, Omaha and Schuyler, NE, to points in AR, CO, IL, IN, IA, KS, LA, MN, MS, MO, NE, ND, OK, SC, TX, TN, and WI. (Hearing site: Omaha, NE.)  

MC 4993 [Sub-81F], filed October 23, 1979. Applicant: JONES MOTOR CO., INC., Bridge Street & Schuykill Road, Spring City, PA 19475. Representative: Roland Rice, Suite 501, Perpetual Building, 1111 E Street NW., Washington, DC 20004. Transporting iron and steel articles, and metals (except iron and steel articles) between the plants of Bethlehem Steel Corporation at or near Johnstown, PA and points in NY, OH, WV, KY, IN, IL, MI, WI, and MD. restricted against the transportation of traffic originating at which point (except commodities in bulk) because of size or weight require the use of special equipment. (Hearing site: Washington, DC.)  

MC 14702 (Sub-83F), filed August 22, 1979. Applicant: OHIO FAST FREIGHT, INC., Post Office Box 808, Warren, OH 44482. Representative: Michael Spurlock, 275 East State Street, Columbus, OH 43215. Transporting iron and steel articles, between the facilities of Republic Steel Corporation at Chicago, IL, on the one hand, and, on the other, points in the Lower Peninsula of MI. (Hearing site: Columbus, OH.)  

MC 16903 [Sub-74F], filed August 22, 1979. Applicant: MOON FREIGHT LINES, INC., P.O. Box 1275, Bloomington, IN 47404. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting (1) building materials, and (2) accessories and supplies used in the installation of the commodities in (1) above, between the facilities of Masonite Corporation, in Wyxos Township (Bradford County), PA, on the one hand, and, on the other, those points in the United States and, on the one hand, and, on the other, points in the United States and in and east of WI, IL, KY, TN, and MS. (Hearing site: Washington, DC.)  

MC 20722 (Sub-89F), filed July 2, 1979. Applicant: M & G CONVOY, INC., 590 Elk Street, Buffalo, NY 14240. Representative: Eugene C. Ewald, 100 West Long Lake Road—Suite 102 Bloomfield Hills, MI 48013. Transporting motor vehicles (except trailers), in initial movements, in truckway service, from the facilities of Chrysler Corporation at Newark, DE, to points in IN, IL, KY, MI, OH, and TN. (Hearing site: Detroit, MI or Washington, DC.)  

Notes.—Dual operations may be involved.  

MC 41432 (Sub-164F), filed October 15, 1979. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., P.O. Box 10125, Dallas, TX 75237. Representative: Wayland Little P.O. Box 10125, Dallas, TX 75237. Transporting general commodities (except those of unusual value, classes A and B explosives, household goods as described by the Commission, commodities in bulk, and those requiring special equipment): (1) serving the facilities of Champion Laboratories, Inc., at or near Albion and West Salem, WI; (2) serving the facilities of Pyroil, Division of Champion Laboratories, Inc., at or near Albion, IL; and (3) serving the facilities of Lubefiner, Inc., at or near Albion, IL, as off-route points in connection with carrier's authorized regular-route operations. (Hearing site: St. Louis, MO or Dallas, TX.)  

MC 43963 (Sub-25F), filed October 9, 1979. Applicant: CHIEF TRUCK LINES, INC., 1479 Ripley Street, Lake Station, IN 46050. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Transporting (1) agricultural implement, and parts thereof and (2) iron and steel articles, between Davenport, IA, on the one hand, and, on the other, Waupaca, Berlin, Milwaukee, Racine and Kenosha, WI. (Hearing site: Chicago, IL.)  

MC 47583 (Sub-115F), filed October 31, 1979. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Road, Kansas City, KS 66115. Representative: D. S. Hults, P.O. Box 225, Lawrence, KS 66044. Transporting: General Commodity (except those of unusual value, classes A and B explosives, household goods as described by the Commission, commodities in bulk or in tank vehicles), between points in the United States (except AK and HI), Restricted to shipments originating at or destined to the facilities of Union Camp Corporation. (Hearing site: Kansas City, MO.)  

MC 52793 (Sub-33F), filed August 7, 1979. Applicant: BEKINS VAN LINES CO., a corporation, 3060 Via Mundo, Compton, CA 90221. Representative: David P. Christianson, 1800 United California Bank Building, 707 Wilshire Boulevard, Los Angeles, CA 90017. Transporting, furnishing, and household, office and institutional fixtures and equipment, crated, from points in Los Angeles County, CA, to points in the United States (except AK and HI). (Hearing site: Los Angeles, CA.)  

MC 59232 (Sub-33F), filed October 9, 1979. Applicant: THE MARYLAND TRANSPORTATION COMPANY, a corporation, 1111 Frankfurft Avenue, Baltimore, MD 21225. Representative: Charles J. Braun, Jr. (same address as applicant). Transporting (1) paper and wood pulp, from the facilities of Pennmech Papers, Inc. at Johnsonburg, PA, to points in DE, DC, MD, VA and WV; (2) printing paper, from the facilities of Hammermill Papers Group at Lock Haven, PA, to points in DC, MD and VA, and (3) materials, equipment and supplies (except in bulk) used in the manufacture and distribution of paper in (1) and (2) above in the reverse direction, restricted in (1), (2) and (3) to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Washington, DC or Baltimore, MD.)  

MC 59233 [Sub-43F], filed October 9, 1979. Applicant: THE MARYLAND TRANSPORTATION COMPANY, a corporation, 1111 Franklin Avenue, Baltimore, MD 21225. Representative: Charles J. Braun, Jr. (same address as applicant). Transporting cobalt, copper cathodes, ferro alloys, ferro nickel ingots, fluor spar, graphite electrodes, nickel, nickel briquettes, nickel cathodes, nickel granules, nickel powder (except in bulk) from Baltimore, MD to points in OH on and east of a line beginning at Sandusky, OH, then over OH Hwy 4 to Marion, OH, then over Interstate Hwy 23 to Portsmouth, OH and to points in PA (restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Washington, DC or Baltimore, MD.)  


MC 61592 [Sub-47F], filed October 9, 1979. Applicant: JENKINS TRUCK LINES INC., P.O. Box 697, Jeffersonville, IN 47130. Representative: E. A. DeVine, P.O. Box 737, Moline, IL 61265. Transporting (1) scrap and salvage material, (2) materials, equipment and supplies used in the sale, distribution, collection, preparation, recycling of scrap and salvage materials (except commodities in bulk, in tank
vehicles) between points in the United States (except HI), restricted to shipments originating at or destined to the facilities used by Commercial Metals Company, Newell Salvage, and Glow Metals (in Fort Wayne, IN 46801. Representative: James B. Buda (same address as applicant). Transporting (1) iron and steel products, from the facilities of Century Tube Corporation at or near Pine Bluff, AR, to those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, and (2) materials, equipment and supplies (except commodities in bulk), used in the manufacture and distribution of commodities named in (1) above, in the reverse direction. (Hearing site: Little Rock, AR.)

MC 100712 (Sub-No. 450F), filed October 27, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Gerald A. Burns, P.O. Box 988, Fort Wayne, IN 46801. Transporting (1) [a] bicycles, tricycles, exercise equipment, motorized vehicles, snow blowers, and lawn and garden equipment, and (b) parts and accessories, for the commodities in (a), from (a) Lawrenceburg, TN, to points in the United States (except AK and HI), and (b) from Fullerton, CA, to points in AZ, CO, ID, MT, NV, NY, OR, UT, WA, and WY, and (2) materials and supplies used in the manufacture of the commodities named in (1) above, from points in CA, CT, IN, KS, KY, LA, MI, NC, OH, PA, TX, and WI to Lawrenceburg, TN, restricted to the transportation of traffic originating at or destined to the facilities of The Murray Ohio Manufacturing Company at (a) Fullerton, CA, and (b) Lawrenceburg, TN. (Hearing site: Knoxville, TN or Washington, DC.)

MC 107403 (Sub-No. 1288F), filed October 1, 1979. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). Transporting (1) paint and paint products, in bulk, in tank vehicles, from Toledo, OH to El Dorado, KS and Louisville, KY, (2) hydrobromic acid, in bulk, in tank vehicles, from El Dorado, CA, to Viterbo, TX and Gulfport, MS; and (3) wine vinegar, in bulk, in tank vehicles, from Newark, NJ to Winchester, VA. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 107993 (Sub-84F), filed October 28, 1979. Applicant: J. W. WILLIS TRUCKING CO., P.O. Box 220168, Dallas, TX 75269. Representative: James V. Hightower, 5901 Marvin D. Love Freeway, Suite 201, Dallas, TX 75237. Transporting (A)(1) machinery, equipment, materials, and supplies used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transportation, and distribution of natural gas and petroleum and their products and by-products; machinery, equipment, materials, and supplies used in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof; (2) commodities, which because of size or weight, require the use of special equipment; and (3) Self-propelled articles, each weighing 15,000 pounds or more, restricted to commodities which are transported on trailers, between points in CA, AZ, and NM. (B)(1) pipe and fittings used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; (2) commodities, which because of size or weight, require the use of special equipment; and (3) Self-propelled articles, each weighing 15,000 pounds or more, restricted to commodities which are transported on trailers, between points in CA, AZ, and NM.
development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, equipment, materials, and supplies used in connection with the construction, operations, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof; between CA, on the one hand, and, on the other, points in Larimer, Denver, Pueblo, Los Animas, Otero, Crowley, Lincoln, Washington, Logan, Bent, Baca, Prowers, Kiowa, Cheyenne, Kit Carson, Yuma, Phillips and Sedgwick Counties, CO. (Hearing site: Dallas, TX or Los Angeles, CA.) Note.—Operations are now being conducted by applicant's tacking regular and irregular route authority. The purpose of this application is to eliminate Blythe and irregular route authority. The purpose of this application is to eliminate Blythe and restricted to traffic moving to or from the facilities of Union Camp Corporation. (Hearing site: New York, NY or Washington, DC.)

**MC 110632 (Sub-311F), filed October 12, 1979.** Applicant: LEE TRUCKING, INC., 131 Linden St., Waltham, MA 02154. Representative: Joseph M. Klementz, 84 State St., Boston MA, 02109. Transporting iron and steel articles and materials, equipment and supplies used in the manufacture and distribution of natural gas and petroleum and their products and by-products; machinery, equipment, materials, and supplies used in connection with the construction, operations, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof; between CA, on the one hand, and, on the other, points in Larimer, Denver, Pueblo, Los Animas, Otero, Crowley, Lincoln, Washington, Logan, Bent, Baca, Prowers, Kiowa, Cheyenne, Kit Carson, Yuma, Phillips and Sedgwick Counties, CO. (Hearing site: Dallas, TX or Los Angeles, CA.) Note.—Operations are now being conducted by applicant's tacking regular and irregular route authority. The purpose of this application is to eliminate Blythe and irregular route authority. The purpose of this application is to eliminate Blythe and restricted to traffic moving to or from the facilities of Union Camp Corporation. (Hearing site: New York, NY or Washington, DC.)

**MC 110632 (Sub-311F), filed October 12, 1979.** Applicant: LEE TRUCKING, INC., 131 Linden St., Waltham, MA 02154. Representative: Joseph M. Klementz, 84 State St., Boston MA, 02109. Transporting iron and steel articles and materials, equipment and supplies used in the manufacture and distribution of natural gas and petroleum and their products and by-products; machinery, equipment, materials, and supplies used in connection with the construction, operations, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof; between CA, on the one hand, and, on the other, points in Larimer, Denver, Pueblo, Los Animas, Otero, Crowley, Lincoln, Washington, Logan, Bent, Baca, Prowers, Kiowa, Cheyenne, Kit Carson, Yuma, Phillips and Sedgwick Counties, CO. (Hearing site: Dallas, TX or Los Angeles, CA.) Note.—Operations are now being conducted by applicant's tacking regular and irregular route authority. The purpose of this application is to eliminate Blythe and irregular route authority. The purpose of this application is to eliminate Blythe and restricted to traffic moving to or from the facilities of Union Camp Corporation. (Hearing site: New York, NY or Washington, DC.)

**MC 112063 (Sub-222F), filed October 15, 1979.** Applicant: P. L & I MOTOR EXPRESS, INC., Broadway Avenue Extension, Massary, OH, P.O. Box 685, Sharon, PA 16146. Representative: Milan Talovich, Esq., 11 West Liberty St., Girard, OH 44420. Transporting iron and steel articles and materials, equipment and supplies used in the manufacture and distribution of iron and steel articles, between the plant sites of Sharon Steel Corporation at (a) Sharon, Farrell, and Greenville, PA, (b) Warren, OH, and (c) Dearborn, MI, and points in WI, MO, WV, KY, IA, MN, and Lower Peninsula of MI. (Hearing site: Cleveland, OH or Pittsburgh, PA.)

**MC 112713 (Sub-286F), filed November 15, 1979.** Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Overland Park, KS 66207. Representative: John M. Records (same address as applicant). Transporting general commodities (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving (a) points in Sandoval, Valencia and McKinley, Counties NM; and (b) facilities of (1) Kerr McGee Corporation near Gore, OK; and (2) Allied Chemical Corporation near Metropolis, IL, as off-route points in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Albuquerque, NM; Gallup, NM.)

**MC 114123 (Sub-49F), filed October 18, 1979.** Applicant: HERMAN R. EWEI, INC., East Earl, PA 17519. Representative: J. Bruce Walter, 410 North Third Street, P.O. Box 1146, Harrisburg, PA 17106. Transporting corn products and blends containing corn products from the facilities of Archer Daniels Midland Company at or near Bayway (Elizabeth) NJ, to points in PA, MD, VA, WV, DE, CT, NY, MA, NC, RI, ME and DC. (Hearing site: Harrisburg, PA or Washington, DC.)

**MC 114273 (Sub-665F), filed October 9, 1979.** Applicant: CRST, INC., P.O. Box 66, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). Transporting truck bodies from Milton, IA to Decatur, IL. (Hearing site: Chicago, IL or Washington, DC.) Note.—Common control may be involved.

**MC 114273 (Sub-673F), filed October 30, 1979.** Applicant: CRST, INC., P.O. Box 66, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). Transporting (1) such merchandise as is sold by grocery, department and food business houses; and (2) equipment, materials and supplies used in the conduct of such business (except in bulk, in tank vehicles) from Baltimore, MD to points in IL, MO, and MN. Applicant states it holds authority to perform the service via a combination of regular and irregular routes. The purpose of this application is to enable applicant to perform a direct service. (Hearing site: Chicago, IL or Washington, DC.)

Note.—Common control may be involved.

**MC 115092 (Sub-92F), filed October 23, 1979.** Applicant: TOMAHAWK TRUCKING, INC., P.O. Box O, Vernal, UT 84078. Representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, IL 60174. Transporting canned goods from Los Angeles, CA to points in AZ. (Hearing site: Los Angeles, CA or Phoenix, AZ.)

**MC 115162 (Sub-511F), filed October 15, 1979.** Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate (same address as applicant). Transporting cement and lime from Jefferson, Marengo, St. Clair and Shelby Counties, AL, to points in FL, GA, MS and TN. (Hearing site: Birmingham or Montgomery, AL)

**MC 115162 (Sub-512F), filed October 9, 1979.** Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate (same address as applicant). Transporting general commodities (except commodities in bulk and classes A and B explosives) between points in the United States (except AK and HI), restricted to traffic moving to or from the facilities of Union Camp Corporation. (Hearing site: New York, NY or Washington, DC.)

**MC 116632 (Sub-226F), filed August 22, 1979.** Applicant: H. O. BOUCHARD, INC., MRC 141 A, Bangor, ME 04401. Representative: John R. McKenan, Jr., Two Canal Plaza, P.O. Box 596, Portland, ME 04112. Transporting coal from points in Schuylkill County, PA to points in ME. (Hearing site: Portland, ME or Boston, MA.)

**MC 116763 (Sub-601F), filed October 9, 1979.** Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: Gary J. Jira (same address as applicant). Transporting equipment, materials & supplies used in the manufacture and distribution of lighting fixtures and lighting fixtures (except commodities in bulk, in tank vehicles), from Madisonville, KY, Paterson, NJ, Mendonhall, MS, Bellevue, OH, Elk Grove Village and Danville, IL, Bridgeport, CT and Evansville and Crawfordsville, IN, to the facilities of Lithonia Lighting, Division of National Service Industries, Inc., at or near Conyers, & Cochran, GA, and Crawfordsville, IN, restricted to traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Atlanta, GA)

**MC 116763 (Sub-602F), filed October 9, 1979.** Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: Gary J. Jira (same address as applicant). Transporting such commodities as are used in the manufacturing and processing of building mortar, concrete surface curing compounds, adhesives and building materials (except commodities in bulk, in tank vehicles), between those points in the United States in and east of MN, IA, MO, OK, and TX, restricted to traffic originating at or destined to the facilities of The Upco Co., in the authorized territory. (Hearing site: Tampa, FL)

**MC 116763 (Sub-606F), filed October 15, 1979.** Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: Gary J. Jira (same address as applicant). Transporting glass containers and closures for glass containers, from the
Transporting dairy products from Blair and Portage, WI to IN, MI, and OH, restricted to shipments originating at the facilities of Associated Milk Producers, Inc. at the above named origins. (Hearing site: St. Paul, MN.)

MC 112829 [Sub-90F], filed August 6, 1979. Applicant: COLDWAY CARRIERS, INC., P.O. Box 2038, Clarkeville, IN 47130. Representative: William L. Willis, 708 McClure Building, Frankfort, KY 40601. Transporting photographic materials, in vehicles equipped with mechanical refrigeration, from Baltimore, MD, Charleston, SC, New York, NY, Norfolk, VA, and Philadelphia, PA, to points in IL, IN, KY, MI, MN, MO, and OH. (Hearing site: Chicago, IL or Louisville, KY.)

MC 112828 [Sub-98F], filed October 22, 1979. Applicant: COLDWAY CARRIERS, INC., P.O. Box 2038, Clarkeville, IN 47130. Representative: William P. Whitney, Jr., 708 McClure Building, Frankfort, KY 40601. Transporting frozen foodstuffs, in vehicles equipped with mechanical refrigeration, from the facilities of Diamond Ice and Cold Storage, Inc. at Wilmington, DE to those points in the US east of MN, IA, MO, AR, and LA. (Hearing site: Wilmington, DE or Baltimore, MD.)

MC 119012 [Sub-16F], filed October 17, 1979. Applicant: RIVER TERMINALS TRANSPORT, INC., 202 George St., Aurora, IN 47001. Representative: Fred Schmitz (same address as applicant). Transporting (1) sand-blasting materials (except commodities in bulk, in tank vehicles), and (2) sand, from the facilities of Gibbco, Inc., at Lawrenceburg, IN, to points in IN, KY, and OH. (Hearing site: Indianapolis, IN or Chicago, IL.)

MC 119422 [Sub-71F], filed October 22, 1979. Applicant: EE-JAY MOTOR TRANSPORTS, INC., 15th and Lincoln, East St. Louis, IL 62204. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. Transporting (1) corn products, in bulk, from Kankakee, IL and Mt. Vernon, IN, to those points in the US in and east of KS, ND, NE, OK, SD, and TX. (Hearing site: St. Louis, MO.)

MC 119493 [Sub-325F], filed October 9, 1979. Applicant: MONKEM COMPANY, INC., P.O. Box 1156, Joplin, 64801. Representative: Thomas D. Boone (same address, as applicant). Transporting zinc dust (except in bulk) and materials and supplies used in the manufacture and distribution thereof (except in bulk), between points in NJ, on the one hand, and, on the other, points in the United States in and east of MT, WY, CD, and NM. (Hearing site: Newark, NJ or Chicago, IL.)

MC 123244 [Sub-42F], filed October 10, 1979. Applicant: FAST FREIGHT, INC., 9651 S. Ewing Avenue, Representative: James C. Hardman, 33 N. LaSalle Street, Chicago, IL 60602. Transporting foodstuffs (except in bulk), from Louisville, KY to points in IL, IN, ON, and WI. (Hearing site: Chicago, IL or Louisville, KY.)

MC 123812 [Sub-5F], filed October 15, 1979. Applicant: SULLIVAN FREIGHT LINES, INC., P.O. Box 276, Athens, TN 37303. Representative: Blaine Buchanan, 1024 James Building, Chattanooga, TN 37402. Transporting (1) farm implements, agricultural implements, and (2) materials, supplies, components, and equipment used in the manufacture, assembly, or servicing of farm implements, accessories and parts, (except commodities in bulk) between points in Dallas County, TX and McMinn County, TN on the one hand, and, on the other, all points in the U.S. (except AK and HI). (Hearing site: Knoxville or Chattanooga, TN.)

MC 123872 [Sub-113F], filed October 23, 1979. Applicant: W & L MOTOR LINES, INC., P.O. Box 3467, Hickory, NC 28601. Representative: Allen E. Bowman (same address as applicant). Transporting: (1) Such commodities as are dealt in by grocery and food businesses (except in bulk); and (2) meats, meat products, meat byproducts, and articles distributed by meat packing houses except hides and commodities in bulk and those described in (1) above, as defined in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, between Kansas City, KS and points in GA, NC, SC, TN and VA. (Hearing site: Kansas City, KS.)

Note—Dual operations may be involved.

MC 126003 [Sub-4F], filed October 22, 1979. Applicant: DAYS MOVING & STORAGE, INC., P.O. Box 868, County Rd. 3, Elkhart, IN 46514. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting heavy machinery between the facilities of (1) Modine Manufacturing Co. at (a) Whittier, CA, (b) Bloomington and McHenry, IL, (c) LaPorte and Logansport, IN, (d) Emporia, KS, (e) Paducah, KY, (f) Jefferson City, Joplin or Excelsior Springs, MO, or Lawrenceville, OH, (g) Clinton, Knoxville and Lawrenceburg, TN, (h) Buena Vista, VA and (j) New Berlin and Racine, WI, and (2) Days Moving & Storage, Inc. at Elkhart, IN, on the one hand, and, on the other, points in the U.S. (except AK and HI). (Hearing site: Indianapolis, IN or Chicago, IL.)

MC 126892 [Sub-304F], filed August 23, 1979. Applicant: SAMMONS
TRUCKING, P.O. Box 4347, Missoula, MT 59806. Representative: J. David Douglas (same address as applicant). Transporting (1) refractories, and (2) materials and equipment used in the installation, from Fulton and Vandalia, MO, to points in AZ, CA, NM, OR, WA, UT, ID, MT, NV, and WV. (Hearing site: Pittsburgh, PA.)

MC 124813 (Sub-219F), filed October 19, 1979. Applicant: MUTHIN TRUCKING CO., a corporation, 210 South Jackson Street, Eagle Grove, IA 50533. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Transporting (1) concrete products and forms, between Omaha, NE, on the one hand, and, on the other, points in IA, and (2) interlocking paving stone, from St. Joseph, MN, to points in IA, IL, KS, MO, NE, ND, and SD. (Hearing site: St. Paul, MN or Omaha, NE.)

Note.—Dual operations may be involved.

MC 125433 (Sub-324F), filed October 1, 1979. Applicant: F-B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). Transporting aluminum flexible conduit, from Long Beach, CA to points in the United States (except AK and HI), restricted to the transportation of traffic originating at the facilities of Alflex Corporation. (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be involved. MC 125433 [Sub-339F], filed October 1, 1979. Applicant: F-B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). Transporting household and commercial laundry and kitchen appliances, and related repair parts, from Newton, IA to points in the United States (except AK, HI, IA, IL, Upper Peninsula of MI, MN, MO, NE, ND, SD and WI), restricted to the transportation of traffic originating at the facilities of The Maytag Company. (Hearing site: Chicago, IL or Denver, CO.)

Note.—Dual operations may be involved.

MC 125433 [Sub-342F], filed October 9, 1979. Applicant: F-B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). Transporting commercial commodities in or used by manufacturers of heating and cooling systems (except in bulk), between points in the United States (except AK and HI), restricted to shipments originating at or destined to the facilities of Lennox Industries, Inc. (Hearing site: Dallas, TX.)

Note.—Dual operations may be involved. MC 125433 [Sub-343F], filed October 9, 1979. Applicant: F-B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). Transporting lead scrap, from Ontario, CA, to East Helena, MT. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved. MC 125433 [Sub-41F], filed August 23, 1979. Applicant: HAROLD Dickey TRANSPORT, INC., Packwood, IA 52560. Representative: Kenneth F. Dudley, 1501 E. Main Street, P.O. Box 279, Ottumwa, IA 52501. Transporting (1) petroleum products, in bulk, in tank vehicles and (2) alcohol, in bulk, in tank vehicles, between points in IA, IL, MN, MO, NE and WI. (Hearing site: Chicago, IL or Des Moines, IA.)

MC 125433 [Sub-361F], filed July 2, 1979. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban (same address as applicant). Transporting such commodities as are dealt in by manufacturers of printed matter (1) between Harrisonburg, VA, Spartanburg, SC, and Dwight, IL, on the one hand, and, on the other, points in the United States (except AK and HI), (2) from points in the United States in and east of ND, SD, NE, KS, OK and TX, to Chicago and Mattoon, IL, Warsaw, IN, Glasgow, KY, and Columbus, TN, and (3) from points in the United States (except AK and HI) to Crawfordsville, IN, and Willard, OH. Restricted to the transportation of traffic originating at or destined to the facilities of R. R. Donnelley & Sons Company, and further restricted against the transportation of commodities in bulk and commodities which, because of size or weight, require the use of special equipment or restriction against points in WV. (Hearing site: Chicago, IL or Washington, DC.)

Note.—Dual operations may be involved.

MC 125433 [Sub-366F], filed October 9, 1979. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban (same address as applicant). Transporting such commodities as are used or dealt in by manufacturers or distributors of outdoor recreational equipment and heating and air conditioning equipment between Wichita, KS, Oceanside, CA, and New Braunfels, TX, on the one hand, and, on the other, points in the United States (except AK and HI), restricted against the transportation of commodities in bulk, in tank vehicles, and further restricted to traffic which originates at or is destined to the facilities of The Coleman Company, Inc. (Hearing site: Wichita, KS, or Washington, DC.)

MC 125433 [Sub-369F], filed October 18, 1979. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 136, Fort Scott, KS 66701. Representative: Elden Corban (same address as applicant). Transporting printed matter from Dayton, OH, to points in the United States (except AK, HI, and OH), Restricted against the transportation of commodities in bulk, in tank vehicles, and further restricted to the transportation of traffic originating at or destined to the facilities of Dayton Press, Inc., at or near Dayton, OH. (Hearing site: Columbus, OH, or Washington, DC.)

MC 125433 [Sub-373F], filed October 23, 1979. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban (same address as applicant). Transporting such commodities as are used or dealt in by manufacturers or
distributors of animal foods between El Paso, TX, on the one hand, and, on the other, points in the United States (except AK, HI and TX). Restricted to the transportation of traffic originating at the facilities of Star-Kist Foods, Inc., at El Paso, TX. (Hearing site: Los Angeles, CA, or Washington, DC.)

MC 134793 (Sub-58F), filed October 9, 1979. Applicant: DIRECTIVE SERVICE, INC., 940 East 66th Street, P.O. Box 2491, Lubbock, TX 79403. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80202. Transporting meats, meat products, meat by-products, and articles, distributed by meat packers/processors, 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 skins and commodities in bulk), from the facilities of John Morrell & Co., at or near New Orleans, LA and points in MS, TN, and TX, to points in and east of TX, on the one hand, and, on the other, points in the United States (except AK, HI and TX). Restricted to the transportation of traffic originating at the facilities of John Morrell & Co. (Hearing site: Chicago, IL, or Dallas, TX.)

Note.—Common control and dual operations may be involved.

MC 134813 (Sub-15F), filed October 26, 1979. Applicant: WESTERN CARGATE INC., 2921 Dawson Road, Tulsa, OK 74110. Representative: Michael V. Vanderburg, 5200 South Yale, Suite 400, Tulsa, OK 74135. Transporting such commodities as are dealt in by retail stores between points in AL, AR, GA, IL, KS, KY, LA, MS, MO, OK, TN, and TX, under continuing contract(s) with Wal-Mart Stores, Inc., of Bentonville, AR. (Hearing site: Bentonville, AR, or Tulsa, OK.)

Note.—Dual operations may be involved.

MC 136553 (Sub-91F), filed October 22, 1979. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, IA 52001. Representative: William L. Fairbank; 1980 Financial Center, Des Moines, IA 50309. Transporting (1) steel, from Chicago, IL, to Dyersville, IA, and (2) steel pipe and pipe fittings, from Bellevue, IA, to points in CO, IL, IN, KS, MI, MN, MO, NE, ND, SD, and WI. (Hearing site: Chicago, IL or Des Moines, IA.)

MC 138313 (Sub-64F), filed October 16, 1979. Applicant: BUILDERS TRANSPORT, INC., 409 14th Street S.W., Great Falls, MT 59404. Representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. Transporting railroad ties, from points in MT to points in OR, WA, ID and WY. (Hearing site: Billings, MT.)

MC 138313 (Sub-64F), filed October 1, 1979. Applicant: BUILDERS TRANSPORT, INC., 409 14th Street S.W., Great Falls, MT 59404. Representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. Transporting Solar panels and materials and supplies used in the manufacture, distribution, and installation of solar panels, from Great Falls, MT to CA, CO, ID, IA, MN, NV, ND, OR, SD, UT, WA, and WY. (Hearing site: Great Falls, MT or Washington, DC.)

MC 138882 (Sub-305F), filed October 5, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: John J. Dykema (same address as applicant). Transporting unrefrigerated bakery goods, from Marietta, OK, to New Rochelle, NY, or Louisville, KY, Los Angeles, CA, Phoenix, AZ, Corona, San Diego, and La Habra, CA; Biddleford, ME; Seattle, WA; and Woburn, MA. (Hearing site: Oklahoma City, OK or Birmingham, AL.)

MC 138882 (Sub-305F), filed October 5, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: John J. Dykema (same address as applicant). Transporting iron and steel articles from the facilities of Southwestern Ohio Steel, Inc., at Butler City, OH, to points in AL, AR, FL, GA, IL, IN, KY, LA, MI, MO, MS, NC, SC, TN, VA, and WV. (Hearing site: Hamilton, OH or Birmingham, AL.)

MC 138882 (Sub-307F), filed October 5, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: John J. Dykema (same address as applicant). Transporting foodstuffs (except in bulk) from the plantsite of Duffy-Mott Co., Inc., at Hamilton, Troy, and Dayton, OH; and Tulley and Williamson, NY to points in IL, IN, MI, MN, MO, WI, SD, and ND. (Hearing site: New York, NY or Birmingham, AL.)

MC 138882 (Sub-305F), filed October 5, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: John J. Dykema (same address as applicant). Transporting foodstuffs (except in bulk) from the plantsite of Duffy-Mott Co., Inc., at Hamilton, Troy, and Dayton, OH; and Tulley and Williamson, NY to points in IL, IN, MI, MN, MO, WI, SD, and ND. (Hearing site: New York, NY or Birmingham, AL.)

MC 138882 (Sub-317F), filed October 23, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: John J. Dykema (same address as applicant). Transporting household liquid bleach and dish detergents, materials, equipment and supplies used in the manufacture and distribution of the commodities in above (except commodities in bulk), between the facilities of National Marketing Associates, Inc., at or near New Orleans, LA and points in MS, AL, GA, TN, and FL. (Hearing site: New Orleans, LA or Birmingham, AL.)

MC 139922 (Sub-5F), filed October 23, 1979. Applicant: FOOD CARRIER, INC., P.O. Box 2287, Savannah, GA 31402. Representative: Edward C. Villalon; 1032 Pennsylvania Building, Pennsylvania Ave. and 13th St., N.W., Washington, D.C. 20004. Transporting (1) foodstuffs (except in bulk) from the facilities of Stapp Battery Services, Inc., at or near Alford, FL and Sanders Lead Co., Inc., at Troy, AL to points in and east of MN, IA, MO, AR, and LA. (Hearing site: Montgomery or Birmingham, AL.)

MC 134122 (Sub-7F), filed October 9, 1979. Applicant: JOHN M. RADKE, Route 2, Box 93, Marathon, WI 54448. Representative: Richard A. Westley; 4505 Regent Street, Suite 100, Madison, WI 53705. Transporting feed and feed ingredients, in bulk, from Minneapolis, MN to points in WI. (Hearing site: Minneapolis, MN.)

MC 134144 (Sub-41F), filed October 10, 1979. Applicant: JOHN LONG TRUCKING, INC., 1030 East Denton,
Transporting (1) such commodities as are dealt in by wholesale, retail, chain grocery and food business houses (except in bulk) and (2) meats, meat products, meat by-products, and articles distributed by meat packing houses (except those in (1) above) (except hides and commodities in bulk) as defined in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 230 and 766, between Kansas City, KS, on the one hand, and, on the other, points in the United States (except AK, HI and KS). (Hearing site: Kansas City, MO.)

Note.—Dual operations may be involved.

MC 144572 (Sub-27F), filed October 22, 1979. Applicant: JOHN LONG TRUCKING, INC., 1030 East Denton, Sapulpa, OK 74066. Representative: Wilburn L. Williamson, Suite 615, East, 2601 North West Expressway, Oklahoma City, OK 73112. Transporting (1) such commodities as are dealt in by wholesale, retail, chain grocery and food business houses (except in bulk) and (2) meats, meat products, meat by-products, and articles distributed by meat packing houses (except those in (1) above) (except hides and commodities in bulk) as defined in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 230 and 766, between Kansas City, KS, on the one hand, and, on the other, points in the United States (except AK, HI and KS). (Hearing site: Kansas City, MO.)

Note.—Dual operations may be involved.

MC 144572 (Sub-28F), filed October 9, 1979. Applicant: MERCHANTS HOME DELIVERY SERVICE, INC., P.O. Box 5067 Oxnard, CA 93031. Representative: T. M. Brown, P.O. Box 1340 Edmond, OK 73034. Transporting such commodities as are dealt in by retail department stores from points in PA and VA (except Frederick, Clarke, Loudon, Fairfax, Arlington, Prince William, Faulquier, Stafford, King George, Spotsylvania, Orange, Madison, Culpeper, Rappahannock, and Shenandoah, counties) to the facilities of May Department Stores Company, in Howard County, MD and DC. (Hearing site: Washington, D.C.)

MC 144572 (Sub-24F), filed October 5, 1979. Applicant: ADAMS REFRIGERATED EXPRESS, INC., P.O. Box F, Forest Park, GA 30092. Representative: Virgil H. Smith, Suite 12, 1507 Phoenix Blvd., Atlanta, GA 30349. Transporting paper and paper products, between Savannah and Titon, GA, on the one hand, and, on the other, points in MO, KS, NE, IA, WI, IL, OH, MI, and KY, restricted to the facilities of Union Camp Corporation. (Hearing site: Atlanta, GA.)

MC 144572 (Sub-22F), filed August 23, 1979. Applicant: MONFORT TRANSPORTATION COMPANY, P.O. Box G, Greeley, CO 80631. Representative: John T. Wirth, 717, 17th Street, Suite 2800, Denver, CO 80202. Transporting prepared foodstuffs (except in bulk) in vehicles equipped with mechanical refrigeration from the facilities of The Pillsbury Company at Denison, TX, to points in AL, AR, OK, MS, MO, NE, IA, and KS. (Hearing site: Dallas, TX.)

Note.—Dual operations may be involved.

MC 144572 (Sub-32F), filed October 22, 1979. Applicant: R. R. Stanley, 1738 Empire Central, Dallas, TX 75225. Representative: D. Paul Stafford, P.O. Box 45353, Dallas, TX 75245. Transporting prepared foodstuffs (except in bulk) in vehicles equipped with mechanical refrigeration from the facilities of The Pillsbury Company at Denison, TX, to points in AL, AR, OK, MS, MO, NE, IA, and KS. (Hearing site: Dallas, TX.)

Note.—Dual operations may be involved.

MC 144572 (Sub-34F), filed October 15, 1979. Applicant: FEDERALSBURG TRANSIT CO., INC., Davis Mill Pond Road, Routes #1, Federalsburg, MD 21632. Representative: Brian S. Stern, 2425 Wilson Boulevard, Suite 327, Arlington, VA 22201. Transporting lumber, woodchips, lumber products and forest products (except commodities in bulk, in tank vehicles), between points in AL, CT, ME, MA, NH, RI, and VT, restricted to shipments originating at the facilities of Empire Freezers of Syracuse, Inc., Syracuse, NY. (Hearing site: Boston, MA.)

Note.—Applicant holds Permit Nos. MC-129000 and subs thereto. If appropriate, applicant will convert its permits into certificates.

MC 144572 (Sub-86F), filed October 9, 1979. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., Post Office Drawer F, Malberry, AR 72947. Representative: Don Garrison, Post Office Box 159, Rogers, AR 72756. Transporting malt beverages from Ft. Worth, TX, to the facilities of Burford Distributing Company, Inc., at or near Ft. Smith, AR. (Hearing site: Ft. Smith, AR or Dallas, TX.)

MC 144573 (Sub-28F), filed October 9, 1979. Applicant: VICTORY EXPRESS, INC., 1760 Whittier, CA 90021. Representative: Alton Monheim, Post Office Box 1540 Edmond, OK 73034. Transporting malt beverages, in containers from Secaucus, NJ to points in CO, IL, IA, and NE. (Hearing site: Washington, D.C.)

Note.—Dual operations may be involved.

MC 144572 (Sub-19F), filed October 22, 1979. Applicant: VICTORY EXPRESS, INC., P.O. Box 26189, Trottwood, OH 45429. Representative: Richard H. Schaefer (same address as applicant). Transporting (1) chemicals, plastic materials and petroleum products, and (2) Materials, equipment, and supplies used in the manufacture and distribution of the commodities in (1) above Between Points in the US (except AK and HI). Restricted to the transportation of traffic originating at or destined to the facilities of U.S. Industrial Chemicals Co., Division of National Distillers and Chemicals Corporation. (Hearing site: New York City, NY.)

Note.—Dual operations may be involved.

MC 144682 (Sub-32F), filed October 22, 1979. Applicant: POLAR TRANSPORT, INC., 175 King Street, Hanover, MA 02339. Representative: Alton C. Gardner (same address as applicant). Transporting (1) frozen foodstuffs, and (2) commodities otherwise exempt from regulations when moving in the same vehicle with the commodities in (1) from Syracuse, NY to points in CT, ME, MA, NH, RI, and VT, restricted to shipments originating at the facilities of Empire Freezers of Syracuse, Inc., Syracuse, NY. (Hearing site: Boston, MA.)

Note.—Applicant holds Permit Nos. MC-129000 and subs thereto. If appropriate, applicant will convert its permits into certificates.

MC 144572 (Sub-27F), filed October 22, 1979. Applicant: MONFORT TRANSPORTATION COMPANY, a corporation P.O. Box G, Greeley, CO 80631. Representative: Steven K. Kuhlmann, 717, 17th Street, Suite 2800, Denver, CO 80202. Transporting: plastic and iron pipe fittings, plastic pipe, roof flashing and adhesive cement, from the facilities of U-Brand Corporation at or near Shelby, OH to points in AZ, CA, CO, KS, MO, NE, NV, OR, UT, and WA. (Hearing site: Denver, CO or Chicago, IL.)

Note.—Dual operations may be involved.
(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 Los Angeles, CA, on the one hand, and, on the other, points in the United States in and east of MN, IA, NE, KS, OK, and TX, restricted to the transportation of traffic moving on bills of lading of freight forwarders as defined in 49 U.S.C. 10102(6). (Hearing site: Los Angeles, CA.)

Volume No. 25


By the Commission, Review Board Number 8, Members Parker, Fortier, and Hill.


Transporting: passengers and their baggage, and express and newspapers, in the same vehicle with passengers, in one-way and round-trip special operations between Port Deposit, MD and the other, points in the United States in and east of MN, IA, NE, KS, OK, and TX. Hwy 40 at Perryville, MD, serving no intermediate points: From Port Deposit, MD over U.S. Hwy 222 to junction U.S. Hwy 40 and return over the same route. (Hearing site: Baltimore, MD.)

Note—Common control may be involved.


Transporting: (1) dry feed ingredients, (2) soy bean meal and dry feed, (1) From the facilities of Ralston-Purina Corp. at North Kansas City, MO, to points in AR, CO, IA, KS, LA, NE, OK, TX, and Flagstaff, AZ. (2) From the facilities of Ralston-Purina Corp at Kansas City, MO, to points in AR, CO, IA, KS, LA, NE, OK, TX, and Flagstaff, AZ. (Hearing site: Kansas City, MO.)


Transporting trailers and trailer chassis, except those designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from Boise, ID, to points in the United States (except AK and HI). (Hearing site: Boise, ID.)

MC 8535 (Sub-99F), filed September 17, 1979. Applicant: GEORGE TRANSFER AND RIGGING CO., INC., P.O. Box 500, Parkton, MD 21120.

Representative: John Guadnano, 1000 Sixteenth Street, N.W., Washington, DC 20036. Transporting Refrigeratory products, from Greensboro, NC, to points in IL, IN, MI, and TN. (Hearing site: Charlotte, NC, or Washington, DC.)

MC 10975 (Sub-500), filed September 14, 1979. Applicant: BRANCH MOTOR EXPRESS CO., a corporation, 141 Fifth Avenue, New York, N.Y. 10011.

Representative: G. G. Heller (same address as applicant). Transporting: general commodities, (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) serving points in Cheshire, Hillsboro, Bedford, Merrimack, Rockingham and Strafford Counties NH, as off-route points in connection with applicants authorized regular routes. (Hearing site: Washington, DC, or Boston, MA.)

MC 14215 (Sub-70F), filed September 15, 1979. Applicant: SMITH TRUCK SERVICE, INC., P.O. Box 1329, Steubenville, OH 43952. Representative: John L. Alden, P.O. Box 12241, Columbus, OH 43212.

Transporting: (1) Roofing and roofing materials, (except in bulk, in tank vehicles) from the facilities of Koppers Company, Inc. at or near Youngstown, Wickliffe and Heath, OH, to points in IN, KY, MI, NY, PA and WV. (2) Coal tar pitch, in bulk, in dump vehicles, from Follansbee, WV and Youngstown, OH, to St. Marys and Punxsutawney, PA. (3) Coke and coke breeze, in bulk, in dump vehicles, from the facilities of Koppers Company, Inc. at Toledo, OH and Erie, PA to points in CT, DE, DC, IL, IN, IA, KY, ME, MA, MD, MI, MN, MO, NY, NH, NJ, OH, PA, RI, VT, WI, WV, and WV.

MC 52704 (Sub-249F), filed September 14, 1979. Applicant: GLENN McCLENOD TRUCKING CO., INC., Post Office Drawer "T", LaFayette, AL 36822. Representative: John P. Tucker, Jr., Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Transporting (1) containers, container ends and closures, and (2) commodities manufactured by or used in the manufacture and distribution of containers, container ends and closures, (except commodities in bulk, in tank vehicles), between points in the United States in and east of MN, IA, MO, OK, and TX, restricted to traffic originating at or destined to a Chattanooga Glass Company facility. (Hearing site: Atlanta, GA)

MC 61825 (Sub-114F), filed September 17, 1979. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, VA 24078.

Representative: John D. Stone, P.O. Box 385, Collinsville, VA 24078. Transporting mineral wool insulation (fiberglass) (except in bulk), (1) from the facilities of CertainTeed Corporation at or near Kansas City, KS and Memphis, TN to points in AL, AR, CT, DE, DC, FL, GA, KY, LA, MS, MO, MA, NC, NH, NJ, NY, OH, PA, RI, SC, TN, VT, VA and WV, and (2) from Clarke County, GA to points in FL, NC and SC. (Hearing site: Washington, DC.)

MC 105045 (Sub-116F), filed September 14, 1979. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, IN 47701.

Representative: Richard C. McGinniss, 711 Washington Building, Washington, DC 20005. Transporting commodities the transportation of which, because of size or weight requires the use of special equipment, from the facilities of The Union Corporation at Dallastown, PA, to points in ME, NH, VT, MA, CT, RI, NY, NJ, DE, PA, MD, VA, WV, NC, SC, DC, and those points in the United States in and west of MN, SD, WY, CO, and NM, restricted to the transportation of traffic originating at the above-named facilities. (Hearing site: Washington, DC.)

MC 107295 (Sub-893F), filed September 19, 1979. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, IL 61842. Representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, IL 62707. Transporting pipe and tubing, from South Lyons, MI, to points in the United States (except AK and HA. (Hearing site: Chicago, IL.)

MC 107515 (Sub-1236F), filed September 14, 1979. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 306, Forest Park, GA 30050.

Representative: Alan E. Serby, 3390 Peachtree Road, N.E., 5th Floor, Lenox Towers South, Atlanta, GA 30325. Transporting such commodities as are dealt in or used by chemical manufacturers and distributors (except commodities in bulk), from the facilities of Oxford Chemicals, at or near Chamblee, GA to the facilities of Oxford Chemicals, at or near Memphis, TN. (Hearing site: Atlanta, GA.)

Note—Dual operations and/or common control may be involved.

MC 107515 (Sub-1237F), filed September 14, 1979. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 306, Forest Park, GA 30050. Representative: Alan E. Serby, 3390 Peachtree Road, N.E., 5th Floor, Lenox Towers South, Atlanta, GA 30325. Transporting magazines and periodicals from the facilities of U.S. News & World Report at or near Nashville, TN, to Jacksonville, FL; Atlanta, GA; Houston,
used or useful in the installation thereof (except those which because of size or weight require the use of special equipment, and except commodities in bulk) between points in AR, AL, FL, GA, KY, LA, MS, NC, SC, TN, and VA. (Hearing site: Atlanta, GA)

Note—Dual operations and/or common control may be involved.

MC 1217794 (Sub-6F), filed September 18, 1979. Applicant: JAMES WILKETT, d.b.a., WILKETT TRUCKING COMPANY, P.O. Box 209, Stigler, OK 74462. Representative: John J. McKinnon, Jr., Suite 500, 1101 Connecticut Ave. NW, Washington, D.C. 20036. Transporting coal, from points in Haskell, Le Flore, Muskogee, Latimer and Pittsburg Counties, OK, to points in Bosque, Morris, Freestone and Harris Counties, TX. (Hearing site: Stigler, Muskogee, or Oklahoma City, OK.)

MC 123255 (Sub-217F), filed September 17, 1979. Applicant: B & L MOTOR FREIGHT, INC., 1984 Coffman Rd., Newark, OH 43055. Representative: C. F. Schnee, Jr. (same address as applicant). Transporting paper and paper products, and materials, equipment and supplies used in the manufacture and distribution thereof, and plastic articles, expanded, within the facilities of Scott Paper Company situated at points in the United States east of a line commencing at the mouth of the Mississippi River and extending northward along the Mississippi to the boundary of Itasca County, MN, then northward along the boundary of Koochiching County, MN, and along said boundary to the United States-Canadian international boundary, on the one hand, and, on the other, points in the United States in and east of MN, IA, MO, OK, and TX. (Hearing site: Columbus, OH.)

MC 123744 (Sub-65), filed September 14, 1979. Applicant: BUTLER TRUCKING COMPANY, a corporation, P.O. Box 86, 805 McLachlen Bank Building, 660 Eleventh Street, NW, Washington, DC 20001. Transporting refractories, from Chicago Heights, IL; Siloam, KY; St. Louis and Vandalia, MO, to points in IL, IN, OH, NY, PA, WV, VA, DE, MD, MI, and NJ. (Hearing site: Philadelphia, PA.)

MC 124774 (Sub-120F), filed September 18, 1979. Applicant: MIDWEST REFRIGERATED EXPRESS, INC., 4440 Buckingham Avenue, Omaha, NE 68107. Representative: Arlyn J. Westergren, Suite 100, 7101 Mercy Rd., Omaha, NE 68100. Transporting electrical transformers, parts and accessories, from the facilities of Saban Electric Corp. at Warner, NH, to points in IL, IN, MI, MO, OH, and WI. (Hearing site: Boston, MA, or Omaha, NE.)

MC 125335 (Sub-84F), filed September 17, 1979. Applicant: GOODWAY TRANSPORT, INC., P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting foodstuffs (except frozen foods and commodities in bulk), (1) from the facilities of Vlasic Foods, Inc., at or near Millsboro, DE, to points in CT, DE, ME, MD, MA, NH, NJ, NY, NC, PA, RI, SC, VT, VA, WV, and DC, and (2) from the facilities of Vlasic Foods, Inc., at or near Millsboro, DE, on the one hand, and, on the other, the facilities of Vlasic Foods, Inc., at or near Imlay City, Bridgeport, and Memphis, MI. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. § 11343(a)(1978), or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Detroit, MI, or Harrisburg, PA.)

MC 125335 (Sub-84F), filed September 17, 1979. Applicant: GOODWAY TRANSPORT, INC., P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting foodstuffs (except frozen foods and commodities in bulk), (1) from the facilities of Vlasic Foods, Inc., at or near Millsboro, DE, to points in CT, DE, ME, MD, MA, NH, NJ, NY, NC, PA, RI, SC, VT, VA, WV, and DC, and (2) from the facilities of Vlasic Foods, Inc., at or near Millsboro, DE, on the one hand, and, on the other, the facilities of Vlasic Foods, Inc., at or near Imlay City, Bridgeport, and Memphis, MI. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. § 11343(a)(1978), or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Detroit, MI, or Harrisburg, PA.)
Representative: Warren L. Troupe, 2480 E. Commercial Blvd., Fort Lauderdale, FL 33308. Transporting such commodities as are dealt in by discount and variety stores (except commodities in bulk) (1) between Ridgefield, NJ and points in LA; and (2) between Augusta, GA on the one hand, and, on the other, points in AL, LA, and TX, restricted in (1) and (2) above to traffic originating at or destined to the facilities of S. H. Kress and Company. (Hearing site: Chicago, IL.)

MC 134755 [Sub-210F], filed September 18, 1979. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, MO 65804. Representative: S. Christopher Wilson, P.O. Box 3772, Springfield, MO 65804. Transporting frozen foodstuffs, from Wethersfield, or Hartford, CT, to points in NY, IL, GA, KS, TX, CA, ID, WI, MI, and PA. (Hearing site: Kansas City, MO.)

MC 140343 [Sub-3F], filed September 14, 1979. Applicant: AM-CAN TRANSPORT SERVICE, INC., 434 Sayre Street, P.O. Box 869, Anderson, SC 29621. Representative: John T. Wirth, 717–717 Street, Suite 2600, Denver, CO 80202. To operate as a contract carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting: Tires and materials, equipment, and supplies used in the manufacture, distribution and production of tires (except commodities in bulk, in tank vehicles) (1) Between ports of entry on the international boundary line between the United States and Canada in Maine, on the one hand, and, on the other, points in SC; Dothan, AL; Edison, NJ; Baltimore, MD; Atlanta, GA and Jacksonville, FL; (2) Between Dothan, AL, on the one hand, and, on the other, points in SC; Atlanta, GA and Jacksonville, FL; and (3) Between points in SC on the one hand, and, on the other, Baltimore, MD; West Haven, CT; Richmond, VA; Edison, NJ and Boston, MA, under continuing contract with Michelin Tire Corporation, of New York, NY. (Hearing site: Washington, DC.)

MC 140665 [Sub-67F], filed September 14, 1979. Applicant: PRIME, INC., Route 1, Box 115–B, Urbana, MD 21782. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266. Transporting, Plastic materials, and materials and supplies used in the marketing, distribution, or manufacturing of plastic (except commodities in bulk), from Beaumont, TX, to points in AZ, CA, CO, NV, ID, NM, MT, WY, OR, UT, and WA. (Hearing site: Washington, DC, or Houston, TX.)

MC 141004 [Sub-274F], filed September 18, 1979. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman, P.O. Box 3488, Ontario, CA 91761. Transporting Bottled mineral water from the facilities utilized by Vichy Springs Mineral Water Corp. at or near Ukiah, CA to points in the United States in and east of SD, NE, KS, OK, and TX. (Hearing site: Los Angeles, CA.)

MC 142555 [Sub-3F], filed September 17, 1979. Applicant: DON RAY DRIVE-AWAY COMPANY, INC., 305 North 19th Street, Decatur, IL 62521. Representative: Constance J. Goodwin, Suite 500, Circle Tower, Five East Market Street, Indianapolis, IN 46204. Transporting passenger automobiles (van conversions), and trucks, between Huntington County and Adams County, IN, on the one hand, and, on the other, points in the United States in and east of MN, IA, MO, OK, and TX.

MC 142935 [Sub-8F], filed September 19, 1979. Applicant: PLASTIC EXPRESS, a corporation, 2900 Airport Ave., Anaheim, CA 92806. Representative: Richard C. Cello, 1415 West Garvey Ave., Suite 102, West Covina, CA 91790. Transporting general commodities (except classes A and B explosives, commodities in bulk, household goods as defined by the Commission, articles of unusual value and commodities, which because of size or weight, require the use of special equipment) between points in the United States in and west of MT, WY, CO, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities of the GAF Corporation. (Hearing site: Los Angeles, CA.)

MC 144345 [Sub-167F], filed September 14, 1979. Applicant: DON'S FROZEN EXPRESS, INC., 3820 Airport Ave., Caldwell, ID 83605. Representative: David E. Wishney, LA Law, P.O. Box 837, Boise, ID 83701. Transporting such merchandise as is dealt in by grocery and food business houses, and equipment, materials and supplies used in the conduct of such businesses, between points in CA, ID, NV, OR, UT and WA. Restricted to traffic originating at or destined to the facilities of Albertson's Inc. (Hearing site: Boise, ID, or Salt Lake City, UT.)

MC 144848 [Sub-8F], filed September 17, 1979. Applicant: FREIGHTWAYS, INC., 412 East 2nd Street, Eldon, MO 65026. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Transporting: (1) Wood products, plastic products, rough lumber, glue, furniture parts, cedar closet linings, wood shavings, sawdust, and (2) equipment, materials, and supplies used in the manufacture, distribution, or sale of the commodities in (1), between the facilities of Osage Products Company at or near Eldon, MO, on the one hand, and, on the other, points in the United States in and east of ND, SD, NE, KS, OK, and TX. Condition: The person or persons who appear to be engaged in common control of applicant
and another regulated carrier must either file an application under 49 U.S.C. § 11343(a) (1978) or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Kansas City, MO.)

MC 145474 (Sub-2F), filed September 14, 1979. Applicant: STAR SYSTEMS, INC., 12302 E. Warwickian Street, Whittier, CA 90602. Representative: Miles L. Kavaller, 315 S. Beverly Drive, Suite 315, Beverly Hills, CA 90212. To operate as a contract carrier, by motor vehicle, in interstate or foreign commerce over irregular routes, transporting: vinyl film and sheeting from Lodi and Jamesburg, NJ and Everett, WA to Phoenix, AZ, Dallas, TX and to the facilities of Goss Plastic Film Corporation in Los Angeles, CA. (Hearing site: Los Angeles, CA.)

MC 145525 (Sub-9F), filed September 19, 1979. Applicant: ERIEVIEW CARTAGE, INC., 100 Erieview Plaza, P.O. Box 6977, Cleveland, OH 44101. Representative: E. Stephen Heisley, 805 Mclachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. To operate as a contract carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting: (1) aluminium articles, and (2) materials, equipment and supplies used in the manufacture, sale, and distribution of the commodities in (1) above, (except commodities in bulk), between Joliet, IL, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Intercontinental Alloys Corporation in Los Angeles, CA and a subsidiary of Alcan Aluminum Corporation. (Hearing site: Chicago, IL.)

MC 145904 (Sub-16F), filed September 17, 1979. Applicant: SOUTH WEST LEASING, INC., P.O. Box 152, Waterloo, IA 50704. Representative: Daniel O. Hands, Attorney at Law, Suite 200, 205 West Touby Avenue, Park Ridge, IL 60068. Transporting iron and steel bars, from the facilities of Wisconsin Steel Corporation at Chicago, IL to points in IA, restricted to the transportation of traffic originating at the named origin and destined to the named destination. (Hearing site: Chicago, IL.)

MC 145904 (Sub-16F), filed September 17, 1979. Applicant: SOUTH WEST LEASING, INC., P.O. Box 152, Waterloo, IA 50704. Representative: Daniel O. Hands, Suite 200, 205 West Touby Avenue, Park Ridge, IL 60068. Transporting iron and steel bars, from the facilities of Wisconsin Steel Corporation at Chicago, IL to points in IA, restricted to the transportation of traffic originating at the named origin and destined to the named destination. (Hearing site: Chicago, IL.)

MC 146644 (Sub-3f), filed September 17, 1979. Applicant: NATIONAL TRUCK BROKERAGE, INC. d.b.a. HICKS MOTOR LINES, 219 West Main, P.O. Box 176, Humboldt, TN 38343. Representative: Thomas A. Stroud, 2008 Clark Tower, 5100 Poplar Ave, Memphis, TN 38137. Transporting cheese analog and calcium caseinate (except in bulk) from the facilities of Anderson Clayton Foods at or near Humboldt, TN to points in the United States (except Alaska, Hawaii and Tennessee). (Hearing site: Memphis, TN, or Dallas, TX.)

MC 146945 (Sub-1F), filed September 17, 1979. Applicant: BROWN-HUFTSTETTER MATERIAL CO., Garat Avenue at Avenue "B", Greeniville, OH 45331. Representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. To operate as a contract carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting: (1) Commodities in bulk, in dump trucks, (a) from points in OH to points in IL, IN, KY, MI, PA, and WV, (b) from points in MI to points in IL, IN, KY, OH, PA, and WV, (c) from points in IN to points in IL, KY, MI, OH, PA, and WV, and (2) Precast concrete products, from the facilities of Pormacrete Products Corporation at or near South Holland, IL and Columbus, Grove City, and Greeniville, OH, to points in the United States on and east of U.S. Hwy. 85; RESTRICTED in part (1) to service performed under continuing contract(s) with American Aggregates Corporation and American Materials Corporation, and in part (2) to service performed under continuing contract(s) with Pormacrete Products Corporation. (Hearing site: Columbus, OH.)

MC 147394 (Sub-5F), filed September 18, 1979. Applicant: COASTAL REFRIGERATED SERVICE INC., 34 Market St., Everett, MA 02149. Representative: Joseph F. Normile, 71 Gale Ave., Haverhill, MA 01830. To operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) office equipment, steel office furniture, and components used in the manufacture and production of office equipment, (2) photo paper and film, and (3) photographic chemicals, between Reading, MA, points in Middlesex and Essex Counties, MA, Pinebrook, NJ, Decator, GA, Arlington Heights and Chicago Proper, IL, Dallas, TX, Cerritos CA, Englewood, CO, Redmond, WA, Orlando, FL, Bloomington, MN, Hayward, CA, Springfield, VA, Shawnee Mission, KA, Cincinnati, OH, Park Ridge, TX. (Hearing site: Boston, MA.)

MC 147625F, filed September 17, 1979. Applicant: AAA AIR ENTERPRISES, INC., P.O. Box 19130, Eppley Airfield, Omaha, NE 68119. Representative: Arlyn L. Westergren of Westergren & Hauptman, Suite 106, 7101 Mercy Road, Omaha, NE 68106. Transporting General commodities, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) Between airport terminals at Omaha, NE, on the one hand, and, on the other, airport terminals at Lincoln, Norfolk, Columbus, Grand Island, Hastings, Kearney, and Lexington, NE; Yankton, SD; Sioux City, IA; and Kansas City, MO, restricted to traffic moving on air freight forwarder bills of lading and having a prior or subsequent movement by air. (Hearing site: Omaha, NE.)

MC 147479 (Sub-2F), filed September 17, 1979. Applicant: ROBERT WALLICK, d.b.a. R & W TRUCKING, 100 South Main, Park Rapids, MN 56470. Representative: William J. Gambucci, 414 Gate City Building, P.O. Box 1680, Fargo, ND 58107. To operate as a contract carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting: Agricultural and utility trailers and parts and accessories thereof, (1) from the facilities of Kiefer Built, Inc., at or near Kanawha, IA to points in MN, MT, ND and SD, and (2) from the facilities of Kiefer Built, Inc., at or near Park Rapids, MN to points in IA, MT, ND and SD, restricted in parts (1) and (2) to a transportation service to be performed under continuing contract(s) with Kiefer Built, Inc., of Kanawha, IA. (Hearing site: Fargo, ND.)

MC 148275F, filed September 19, 1979. Applicant: J. L. MCCOY, INC., P.O. Box 525, Reverswood, WV 26164. Representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, WV 25526. Transporting: (1) Parts, materials, supplies and equipment used in the manufacture of automobiles (except commodities in bulk) between the facilities of Volkswagen of America, Inc. at South Charleston, WV and Westmoreland, PA, on the one hand, and, on the other, Laredo, TX and ports of entry on the United States-Mexico Boundary at Laredo and Eagle Pass, TX;
(2) Steel pipe, pipe fittings, beams, piling, rails, railway rails, track - accessories, bridge and highway railings, pile drivers, pile extractors, and parts, and materials, equipment and supplies used in the manufacture, installation, dismantling or distribution of such commodities (except commodities in bulk) between the facilities of L. B. Foster Company at Parkersburg, W.Va, and Huntington, W.Va, on the one hand, and, on the other, points in and east of MN, IA, MO, OK and TX; and (3) Iron and steel articles and materials, supplies and equipment used in the manufacture thereof (except commodities in bulk) between Huntington, W.Va on the one hand, and, on the other, points in United States, except AK and HI. (Hearing site: Detroit, MI.)

Note.—Dual operations may be involved.

MC 21806 (Sub-131F), filed September 14, 1979. Applicant: WEST MOTOR FREIGHT INC., 740 S. Reading Avenue, Boyertown, PA 19512. Representative: Alan Kahn, Esq., 1920 Two Penn Center Plaza, Philadelphia, PA 19102. Transporting television tubes, and parts and materials used in the manufacture and distribution of television tubes, (except commodities in bulk), (1) between Circleville and Columbus, OH, on the one hand, and, on the other, Scranton, PA, and (2) between Marion, IN, on the one hand, and, on the other, Santa Ana, CA, and Lebanon and Nashville, TN, restricted in (1) and (2) to the transportation of traffic originating at or destined to the facilities of RCA Corporation. (Hearing site: Washington, DC, or Philadelphia, PA.)

MC 29988 (Sub-371F), filed November 2, 1979. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4314 39th Ave., Kenosha, WI 53142. Representative: Paul F. Sullivan, 711 Washington Blvdg., Washington, DC 20005. Transporting (1) commodities, the transportation of which because of size or weight, require special handling or equipment, and (2) Iron and steel articles, between points in IL, IN, and WI, on the one hand, and, on the other, points in DE, MD, VA, and DC. The sole purpose of this application is to substitute single-line for joint-line operations. (Hearing site: Milwaukee, WI or Washington, DC.)

MC 41116 (Sub-65F), filed September 13, 1979. Applicant: FOGLEMAN TRUCK LINE INC., P.O. Box 1504, Crowley, LA, 70526. Representative: Austin L. Hatchell, 801 Vaughn Blvdg., Austin, TX, 78701. To operate as a contract carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting newspapers, groundwood, and wrapping paper, from the facilities of St. Regis Southland Division, at Sheldon and Herty, TX to various points in AR, KS, LA, MS, MO, and OK, under a continuing contract(s) with St. Regis Paper Co., Southland Division, of Houston, TX. (Hearing site: Houston or Dallas, TX.)

Note.—Dual operations may be involved.

MC 51146 (Sub-754F), filed September 13, 1979. Applicant: SCHNEIDER TRANSPORT INC., P.O. Box 2293, Green Bay, WI 54306. Representative: Neil A. Dujardin (same address as applicant). Transporting non-hazardous chemicals, in packages, and equipment, materials, and supplies used in the manufacture and distribution of non-hazardous chemicals from Detroit and Romulus, MI, to points in Juneau County, WI. (Hearing site: Green Bay, WI.)

MC 51146 (Sub-768F), filed September 17, 1979. Applicant: SCHNEIDER TRANSPORT INC., P.O. Box 2293, Green Bay, WI 54306. Representative: Neil A. Dujardin (same address as applicant). Transporting such commodities as are dealt in or used by manufacturers and distributors of industrial, commercial and home appliances, between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Hobart Corporation. (Hearing site: Chicago, IL.)

MC 55586 (Sub-128F), filed November 2, 1979. Applicant: R-W SERVICE SYSTEM INC., 20225 Goddard Rd., Taylor, MI 48180. Representative: Cedric E. Baty (same as applicant). Transporting plastic articles, (A) from Florence, KY, to points in IL, IN, and OH, and (B) from Cincinnati, OH, to various points in the States, except AK and HI, restricted to the transportation of traffic originating at or destined to the facilities of Temple-Eastex, Inc., West Division, of Silsbee, TX. (Hearing site: Houston or Dallas, TX.)

Note.—Dual operations may be involved.
OH, to Buckner, KY. (Hearing site: Detroit, MI, or Columbus, OH.)

MC 57697 [Sub-29F], filed September 11, 1979. Applicant: LESTER SMITH TRUCKING, INC., 2845 East 51st Ave., Denver, CO 80216. Representative: David J. Lister, 3841 North Columbia Boulevard, P.O. Box 17039, Portland, OR 97217. Transportation lumber, lumber mill products and wood products, from the facilities of Cambria Forest Products at or near Newcastle, WY to points in AR, CO, IL, IN, IA, KS, MS, MN, MO, NE, OK, PA, and WY. (Hearing site: Denver, CO.)

MC 57697 [Sub-29F], filed September 13, 1979. Applicant: LESTER SMITH TRUCKING, INC., 2845 East 51st Ave., Denver, CO 80216. Representative: David J. Lister, 3841 No. Columbia Blvd., P.O. Box 17039, Portland, OR 97217. Transporting refractory and refractory products, and materials, equipment, and supplies used in the manufacture of the foregoing commodities (except commodities in bulk), between points in Calloway and Audrain Counties, MO, on the one hand, and, on the other, those points in and west of Clarksdale, MS and the facilities of Cooper Tire and Rubber Co. and槁es of States. (Hearing site: Chicago, IL.)

MC 59367 [Sub-No. 145F], filed September 17, 1979. Applicant: DECKER TRUCK LINE, INC., P.O. Box 919, Fort Dodge, IA 50501. Representative: William L. Fairbank, 1990 Financial Center, Des Moines, IA 50309. Transporting such commodities as are dealt in by retail grocery and drug stores (except in bulk), from the facilities of The Proctor & Gamble Distributing Company at Chicago, IL, to points in IA, MN, NE, ND and SD, restricted to the transportation of traffic originating at the named facilities and destined to the named States. (Hearing site: Chicago, IL.)

MC 66746 [Sub-No. 26F], filed September 11, 1979. Applicant: SHIPPERS EXPRESS, INC., 1851 Kerr Drive, P.O. Box 8308, Jackson, MS 39204. Representative: Harold D. Miller, Jr., 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. Transporting tire tubes, between the facilities of Cooper Tire and Rubber Co. at or near Clarksdale, MS and the facilities of Cooper Tire and Rubber Co. at or near Texarkana, AR. (Hearing site: Jackson, MS.)

MC 74416 [Sub-24F], filed November 1, 1979. Applicant: LESTER M. PRANGE, INC., Box 1, Kirkwood, PA 17538. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth St., N.W., Washington, DC 20005. Transporting (1) fabricated sheet metal products, (2) heating and air conditioning systems, and (3) equipment, materials, and supplies used in the installation of the commodities in (1) and (2) above, from Medina, NY, to Florida, GA, and points in ME, NH, VT, MA, CT, RI, NJ, PA, DE, MD, VA, WV, and DC. (Hearing site: Washington, DC.)

MC 94876 [Sub-16F], filed September 10, 1979. Applicant: RICHARD ACERRA, INC., 38-09 Vernon Blvd., Long Island City, NY 11101. Representative: J. Aiden Connors, 325 East 201 St., Brooklyn, NY 11238. To operate as a contract carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting paint and paint materials, road-paving marking materials, between Westwood, MA, on the one hand, and, on the other, Washington, DC, Jackson and Memphis, TN, and Indianapolis, IN, under continuing contract(s) with Safety Lines Marking, Inc., of Westwood, MA.


MC 95876 [Sub-309F], filed September 12, 1979. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave., No., St. Cloud, MN 56301. Representative: William L. Libby (same address as applicant). Transporting fiberboard, pulpboard, and wallboard, from Meridian, MS, to points in CO, CT, DE, IA, ID, IL, IN, MA, MD, ME, MI, MN, MT, ND, NE, NH, NJ, NY, OH, OR, PA, RI, SD, VT, WA, WI, WV, and WY. (Hearing site: Chicago, IL or Minneapolis, MN.)

MC 95857 [Sub-310F], filed September 12, 1979. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave., No., St. Cloud, MN 56301. Representative: William L. Libby (same address as applicant). Transporting high tension machines, and absorbers, from Fort Worth, TX to points in the United States (except AK and HI). (Hearing site: Fort Worth, or Dallas, TX.)

MC 95876 [Sub-511F], filed September 12, 1979. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave., No., St. Cloud, MN 56301. Representative: William L. Libby (same address as applicant). Transporting plastic pipe and fittings, from the facilities of CertainTeed Corporation at or near Eads, TN, to points in CT, DE, IA, IL, IN, KY, MA, MD, ME, MI, MN, ND, NH, NJ, NY, OH, PA, RI, SD, VT, WI and WV. (Hearing site: Philadelphia, PA, or Chicago, IL.)


MC 105506 [Sub-207F], filed August 29, 1979. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1129, Cape Girardeau, MO 63901. Representative: Thomas F. Kolroy, Suite 406, Executive Bldg., 6901 Old Keene Mill Rd., Springfield, VA 22150. Transporting printed matter and materials, equipment and supplies used by printing companies, between Chicago, IL, Corinth, MS, and Dresden, TN, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 105506 [Sub-208F], filed August 29, 1979. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1129, Cape Girardeau, MO 63901. Representative: Thomas F. Kilroy, Suite 406, Executive Bldg., 6901 Old Keene Mill Rd., Springfield, VA 22150. Transporting (1) chemicals, chemical compounds, antifreeze, plastic and plastic products (except in bulk), and (2) materials, equipment and supplies used in the manufacture, distribution or sale of the commodities in (1) above (except commodities in bulk), between the facilities of Northern Petrochemical Company, at or near Mankato, MN, Newark, OH, Clinton, MA, and Chicago, Morris and Mapleton, IL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 107496 [Sub-1237F], filed September 7, 1979. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Transporting (1) caustic potash, in bulk, from Ashabula, OH, to points in IL, IN, IA, KY, MI, NJ, NY, PA, OH, and WI, and (2) acids and chemicals (except cryogenics), from the facilities of Northern Petrochemical Co., in Grundy County, IL, to points in GA, NC, SC, TN, and KY. (Hearing site: Kansas City, MO, or Des Moines, IA.)
transporting general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the international boundary line between the United States and Canada at Port Huron, MI, on the one hand, and, on the other, Port Huron, MI. (Hearing site: Port Huron, MI.)

Note.—The purpose of this application is to remove the restriction in Applicant's Sub-2 Certificate restricting it to handling traffic interchanged with other carriers at Port Huron, MI.


Transporting (1)(a) artificial Christmas trees, decorations and ornaments, and (b) equipment, materials and supplies used in the manufacture and distribution of the commodities named in (1)(a). (2)(a) plastic articles and (b) equipment, materials and supplies used in the manufacture and distribution of the commodities named in (2)(a), between Lexington, KY, on the one hand, and, on the other, the United States, including AK and HI. (Hearing site: Lexington, KY, or Washington, DC.)

Note.—This republication is to correctly reflect the territorial description.

MC 115828 (Sub-54F), filed September 11, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting (1) such commodities as are dealt in by manufacturers of power tools, and (2) materials, supplies and equipment (except commodities in bulk) used in the conduct of such business, between Hampstead and Easton, MD, Tarbora and Fayetteville, NC, Lancaster, PA, and ports of entry on the International
boundary line between the United States and Canada, at points in MI and NY, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Black and Decker U.S. Inc., or Black and Decker Manufacturing Co. Ltd. (Hearing site: Denver, CO.)

MC 11507 (Sub-424F), filed September 17, 1979. Applicant: DSI TRANSPORTS, INC., 4550 Post Oak Place Dr., P.O. Box 1505, Houston, TX 77003. Representative: James M. Doeherty, 500 West Sixteenth St., P.O. Box 1945, Austin, TX 78767. Transporting (1) chemicals, in bulk, in tank vehicles, from the facilities of Union Carbide Corporation, at or near North Seadrift, TX, to points in the United States (except AK and HI), and (2) acids, chemicals, and petroleum products, in bulk, in tank vehicles, from points in the United States (except AK and HI), to the facilities of Union Carbide Corporation at or near North Seadrift, TX. (Hearing site: Houston or Dallas, TX.)

MC 116457 (Sub-488F), filed September 7, 1979. Applicant: GENERAL TRANSPORTATION CORPORATION, 1804 S. 27th Ave., Phoenix, AZ 85005. Representative: D. Parker Crosby, P.O. Box 6494, Phoenix, AZ 85005. Transporting (1) such commodities as are dealt in by wholesale, retail, chain grocery and feed business houses, (2) materials ingredients and supplies used in the manufacture, distribution and sale of the commodities in (1) above, (3) feeds, (4) salt, (except in bulk), and (5) fertilizer, in containers, (a) between the facilities of Ralston Purina Company, at or near Denver, CO, and Flagstaff, AZ, on the one hand, and, on the other, points in and west of MN, TX, MO, AR, and LA, and (2) from points in TX, CO, and CA to points in AZ. (Hearing site: Phoenix, AZ.)

MC 118516 (Sub-3F), filed September 13, 1979. Applicant: MAMMOTH OF ALASKA, INC., 439 Industrial Way, Anchorage, AK 99501. Representative: Arthur R. Hauer, P.O. Box 2762, Anchorage, AK 99510. Transporting general commodities (except classes A and B explosives), between points in the commercial zone of Anchorage, AK, restricted to the transportation of traffic having a prior or subsequent movement by water. (Hearing site: Anchorage.)

MC 118966 (Sub-245F), filed August 30, 1979. Applicant: FERRER FURNITURE EXPRESS, INC., 252 Wildwood Road, Hammond, IN 46324. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603. Transporting carpet padding and materials, equipment and supplies used in the sale and installation of carpet padding (except in bulk) from Ft. Wayne, IN, to points in IL, IA, KY, MI, MN, MO, WV, WI and WV. (Hearing site: Chicago, IL.)

MC 118776 (Sub-422F), filed September 17, 1979. Applicant: GULLY TRANSPORTATION, INC., 3820 Wisman Lane, Quincy, IL 62301. Representative: Herman W. Huber, Attorney, 101 East High St., Jefferson City, MO 65101. Transporting rubber, rubber products and such commodities as are manufactured, processed, or dealt in by manufacturers of rubber and rubber products, and equipment, materials and supplies used in the manufacture and distribution of rubber and rubber products (except commodities in bulk) between the facilities of The Goodyear Tire & Rubber Company at Hannibal, MO on the one hand, and, on the other, points in CA, GA, IL, IN, IA, MI, NE, NJ, OH, TX, WI, restricted to the transportation of traffic originating at or destined to the named facilities at Hannibal, MO. (Hearing site: St. Louis, or Kansas City, MO.)

MC 120427 (Sub-32F), filed September 13, 1979. Applicant: WILLIAMS TRANSFER, INC., 2128 East Hwy #30, Grand Island, NE 68801. Representative: John K. Walker (same address as applicant). Transporting iron and steel articles, scaffolding, conveyors, and parts for the foregoing commodities, between Yankton, SD, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Morgen Manufacturing Company, at or near Yankton, SD. (Hearing site: Yankton, SD, or Lincoln, NE.)

MC 121517 (Sub-10F), filed August 8, 1979. Applicant: ELLSWORTH MOTOR FREIGHT LINES, INC., P.O. Box 15827, Tulsa, OK 74122. Representative: William L. Williamson, Suite 415-E, The Oil Center, 2601 NW Expressway, Oklahoma City, OK 73112. Transporting general commodities (except articles of unusual value and classes A and B explosives) between points in OK; and (2) cement, from the facilities of Martin Marietta Cement Western Division, at or near Tulsa, OK, to points in AR, KS, MO, and those in Sherman, Hansford, Ochiltree, Lipscomb, Moore, Hutchinson, Roberts, Hemphill, Potter, Carson, Gray, Wheeler, Armstrong, Donely, Collingsworth, Childress, Hardeman, Wilbarger, and Wichita Counties, TX. NOTE: Part (1) seeks to convert certificate of registration in MC 121517, which presently authorizes; livestock; farm products, including baled cotton; cottonseed and cottonseed products (except food products thereof), bagging and ties, gin machinery and repair parts, parts of, or components of which were manufactured, processed, or dealt in by manufacturers of cottonseed product, and parts thereof (except food products thereof), coal, sand and gravel, lumber, building materials and supplies, used emigrant moveables including household goods in use, office furniture in use, removal of entire stock of goods, wares, merchandise, fixtures, and equipment of an established business, petroleum and petroleum products, glass and glassware including tops and caps, salt, boats, acids and gases, oilfield equipment and supplies, including pipe, tanks and tank materials, grain and grain products, beer, contents of carload shipments, including distribution to one or more consignees, commodities which carrier may have held in storage in a warehouse owned or controlled by carrier for at least five (5) days prior to the beginning of such transportation, such equipment, and equipment for which certificated equipment, or which may require extraordinary expeditions and rapid transportation; to a certificate of public convenience and necessity. (Hearing site: Oklahoma City, OK, or Dallas, TX.)


MC 124236 (Sub-3F), filed September 25, 1979. Applicant: GEORGE L. BIGELOW TRUCKING, INC., P.O. Box 421, 135 Wright Street, Delavan, WI 53115. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, WI 53705. To operate as a contract carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting liquid fertilizer, in bulk, in tank vehicles, (1)(a)...
from Milwaukee, WI, to those points in IL, on and north of Interstate Hwy 80; (b) from Marseilles, IL, to points in WI; (c) from Dubuque, IA, to points in WI and those in IL on and north of Interstate Hwy 80; and (d) from Winona, MN, and Cordova, IL, to points in WI and IA, all under continuing contract(s) with Kaiser Agricultural Chemicals Corporation, of Savannah, GA. (2)(a) from Marseilles, IL, to points in WI and (b) from East Dubuque, IL, to points in WI and IA, all under continuing contract(s) with Royster Company, of Madison, WI, and (3) from Fulton, Lenont and Pekin, IL, to points in WI, all under continuing contract(s) with Agrico Chemical Company, of Oak Brook, IL. Continuing contract(s) with American States (except AK and HI) restricted to traffic originating at or destined to the facilities of American Can Company at or from the interstate or foreign commerce, over irregular routes, transporting parts, supplies, and equipment used in the manufacture of aircraft and aircraft sub-assemblies, from points in CA to points in CT, under continuing contract(s) with Sikorsky Aircraft Division, United Technologies Corporation, of Stratford, CT. Hearing site: Boston, MA or Washington, D.C.

MC 134906 (Sub-61F), filed September 17, 1979. Applicant: B-D-R Transport, Inc., P.O. Box 1277, Brattleboro, VT 05301. Representative: Francis J. Ortmann, 7101 Wisconsin Avenue, Suite 605, Washington, DC 20014. To operate as a contract carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting parts, supplies, and equipment used in the manufacture of aircraft and aircraft sub-assemblies, from points in CA to points in CT, under continuing contract(s) with Sikorsky Aircraft Division, United Technologies Corporation, of Stratford, CT. Hearing site: Boston, MA or Washington, D.C.

MC 134276 (Sub-208F), filed September 17, 1978. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, IL 60513. Representative: Albert A. Andrin, 180 North La Salle Street, Chicago, IL 60601. To operate as a contract carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) containers, container ends, and (2) materials and supplies used in the manufacture or distribution of containers, from the facilities of American Can Company at Pevely, MO, to points in the United States (except AK and HI), under continuing contract(s) with American Can Company, of Oak Brook, IL. (Hearing site: Chicago, IL.)

MC 194387 (Sub-76F), filed September 13, 1979. Applicant: BLACKBURN TRUCK LINES, INC., 6509 Brannon Avenue, South Gate, CA 90280. Representative: Patricia M. Schnegg, 707 Wilshire Blvd., 1800 United California Bank Bldg., Los Angeles, CA 90017. Transporting polyurethane board, from Kent, WA, to points in OR, CA, and NV. (Hearing site: Los Angeles, CA.)

MC 134547 (Sub-2F), filed September 17, 1979. Applicant: BILBO TRANSPORTS, INC., 2272 Singleton Blvd., Dallas, TX 75213. Representative: Austin L. Hatchell, 601 Vaughn Bldg., Austin, TX 78701. To operate as a contract carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting: building board, of Masonite Corporation at or from the facilities near Grand Prairie, TX, to points in OK, under continuing contracts with Masonite Corporation, of Grand Prairie, TX. (Hearing site: Dallas or Fort Worth, TX.)

MC 134308 (Sub-81F), filed September 28, 1979. Applicant: B-D-R Transport, Inc., P.O. Box 1277, Brattleboro, VT 05301. Representative: Francis J. Ortmann, 7101 Wisconsin Avenue, Suite 605, Washington, DC 20014. To operate as a contract carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting parts, supplies, and equipment used in the manufacture of aircraft and aircraft sub-assemblies, from points in CA to points in CT, under continuing contract(s) with Sikorsky Aircraft Division, United Technologies Corporation, of Stratford, CT. Hearing site: Boston, MA or Washington, D.C.

MC 134206 (Sub-38F), filed September 17, 1978. Applicant: B-D-R Transport, Inc., P.O. Box 1277, Brattleboro, VT 05301. Representative: Francis J. Ortmann, 7101 Wisconsin Avenue, Suite 605, Washington, DC 20014. To operate as a contract carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting parts, supplies, and equipment used in the manufacture of aircraft and aircraft sub-assemblies, from points in CA to points in CT, under continuing contract(s) with Sikorsky Aircraft Division, United Technologies Corporation, of Stratford, CT. Hearing site: Boston, MA or Washington, D.C.

MC 133795 (Sub-5F), filed September 17, 1978. Applicant: CHARLES OTTO D.B.A. OTTO TRANSFER, 417 Elm Street, Delano, MN 55328. Representative: John B. Van de North, Jr., 2200 First National Bank Building, Saint Paul, MN 55101. To operate as a contract carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting metal eroding and scaffolding, and materials, equipment and supplies used in the installation (except commodities in bulk), between points in the United States (except AK and HI), under continuing contract(s) with Advanced Shoring Co., of St. Paul, MN. (Hearing site: St. Paul, MN or Minneapolis, MN.)

MC 133977 (Sub-3F), filed August 31, 1979. Applicant: EDWARD W. SKINNER & EDWARD W. SKINNER, JR. D.B.A. SKINNER TRUCKING. P.O. Box 709, Twin Falls, ID 83301. Representative: D. L. Wirpsa, P.O. Box 837, Boise, ID 83701. To operate as a contract carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting irrigation pipe, and fittings and accessories for irrigation pipe, from Twin Falls, ID, to points in AZ, CA, CO, MT, NV, OR, UT, WA, and WY, under continuing contract(s) with Aulmax Irrigation Products, of Twin Falls, ID. (Hearing site: Boise, ID, or Salt Lake City, UT.)

MC 139006 (Sub-14F), filed September 13, 1979. Applicant: RAPIER SMITH, Rural Route 5, Loretto Rd., Bardstown, KY 40004. Representative: Robert H. Kinker, 314 West Main St., P.O. Box 464, Frankfort, KY 40602. Transporting such commodities as are dealt in and used by producers and distributors of alcoholic beverages, liquors and wines (except commodities in bulk), between points in KY and TN, one the hand, and, on the other, those points in the United States in and east of IA, KS, MN, MO, OK, and TX. (Hearing site: Louisville, KY.)

MC 139276 (Sub-11F), filed August 30, 1979. Applicant: ALOHA FREIGHTWAYS, INC., 1099 Bryn Mawr Avenue, Bensenville, IL 60106 Representative: Grace Kasallis (same address as applicant). To operate as a contract carrier, by motor vehicle, in interstate or foreign commerce, over

feats (except in bulk), between the facilities of Kal-Kan Foods, Inc. (A) Columbus, OH, and (B) Ogden, UT, and (C) points in Los Angeles, and Orange Counties, CA, on the one hand, and, on the other, points in the United States (except AK and HI) restricted to traffic originating at or destined to the facilities of Kal-Kan Foods, Inc. (Hearing site: Minneapolis, MN or Los Angeles, CA.)

MC 136736 (Sub-5F), filed September 17, 1978. Applicant: CHARLES OTTO D.B.A. OTTO TRANSFER, 417 Elm Street, Delano, MN 55328. Representative: John B. Van de North, Jr., 2200 First National Bank Building, Saint Paul, MN 55101. To operate as a contract carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting metal eroding and scaffolding, and materials, equipment and supplies used in the installation (except commodities in bulk), between points in the United States (except AK and HI), under continuing contract(s) with Advanced Shoring Co., of St. Paul, MN. (Hearing site: St. Paul, MN or Minneapolis, MN.)

MC 133977 (Sub-3F), filed August 31, 1979. Applicant: EDWARD W. SKINNER & EDWARD W. SKINNER, JR. D.B.A. SKINNER TRUCKING. P.O. Box 709, Twin Falls, ID 83301. Representative: D. L. Wirpsa, P.O. Box 837, Boise, ID 83701. To operate as a contract carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting irrigation pipe, and fittings and accessories for irrigation pipe, from Twin Falls, ID, to points in AZ, CA, CO, MT, NV, OR, UT, WA, and WY, under continuing contract(s) with Aulmax Irrigation Products, of Twin Falls, ID. (Hearing site: Boise, ID, or Salt Lake City, UT.)

MC 139006 (Sub-14F), filed September 13, 1979. Applicant: RAPIER SMITH, Rural Route 5, Loretto Rd., Bardstown, KY 40004. Representative: Robert H. Kinker, 314 West Main St., P.O. Box 464, Frankfort, KY 40602. Transporting such commodities as are dealt in and used by producers and distributors of alcoholic beverages, liquors and wines (except commodities in bulk), between points in KY and TN, one the hand, and, on the other, those points in the United States in and east of IA, KS, MN, MO, OK, and TX. (Hearing site: Louisville, KY.)

MC 139276 (Sub-11F), filed August 30, 1979. Applicant: ALOHA FREIGHTWAYS, INC., 1099 Bryn Mawr Avenue, Bensenville, IL 60106 Representative: Grace Kasallis (same address as applicant). To operate as a contract carrier, by motor vehicle, in interstate or foreign commerce, over
irregular routes, transporting "iron and steel articles," from the facilities of Inland Steel Company at East Chicago, IN, to points in IL and MI, under a continuing contract(s) with Inland Steel Co., of Chicago, IL. (Hearing site: Chicago, IL.)

MC 139906 (Sub-71F), filed October 1, 1979. Applicant: INTERSTATE CONTRACT CARRIER CORP., a DE Corp., of Chicago, IL. (Hearing site: Lincoln, NE 68501. Transporting titanium dioxide, from Savannah, GA, to points in AR, CT, DE, IL, IN, IA, KS, LA, MI, MN, MS, MO, NY, TN, TX, WI, and WY. (Hearing site: Lincoln, NE, or Salt Lake City, UT.)

Note.—Dual operations may be involved.

MC 140386 (Sub-1F), filed August 30, 1979. Applicant: CREASY TRUCKING, INC., P.O. Box 447, Hwy 231, Westmoreland, TN 37186. Representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, IN 46204. To operate as a contract carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting meats and meat products, from the facilities of Packerland Packing Co., Inc., at Green Bay, Eau Claire, Chippewa Falls, WI, to points in AL, TN, SC, GA, and FL under continuing contract(s) with Packerland Packing Co., Inc. of Green Bay, WI. (Hearing site: Washington, DC, or Indianapolis, IN.)

MC 140386 (Sub-2F), filed September 17, 1979. Applicant: CREASY TRUCKING, INC., P.O. Box 447, HWY 231, Westmoreland, TN 37186. Representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, IN 46204. To operate as a contract carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting printed matter, and materials, supplies, and equipment used in the operation of printing plants (except commodities in bulk, in tank vehicles), between the facilities of R. R. Donnelley & Sons Company, at or near (a) Gallatin, TN, (b) Glasgow, KY, (c) Warsaw and Crawfordsville, IN, (d) Dwight, Mattoon and Chicago, IL, (e) Willard, OH, (f) Harrisonburg, VA, (g) Spartansburg, SC, and (h) Lancaster, PA, on the one hand, and, on the other, points in AL, AR, FL, GA, IL, IN, IA, KY, LA, MI, MN, MS, MO, NE, NC, SC, TN, TX, and WI, under continuing contract(s) with R. R. Donnelley & Sons Company of Chicago, IL. (Hearing site: Washington, DC, or Indianapolis, IN.)

MC 142569 (Sub-26F), filed September 20, 1979. Applicant: MID-WESTERN TRANSPORT, INC., 10506 South Shoemaker Ave., Santa Fe Springs, CA 90670. Representative: Joseph Fazio (same address as applicant). To operate as a contract carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) mixing machines and cement pumps, and (2) materials and supplies used in the manufacture, installation, and maintenance of the commodities in (1) above, between points in the United States (except AK and HI), under continuing contract(s) with Challenge-Cookes Brothers, Inc. of City of Industry, CA. (Hearing site: Los Angeles, or San Diego, CA.)

MC 142576 (Sub-2F), filed September 17, 1979. Applicant: JOHN D. PERFETTI, R.D. #4, Box 265-C, Blairsville, PA 15717. Representative: Arthur J. Diskin, 666 Frick Bldg., Pittsburgh, PA 15218. To operate as a contract carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) cast iron ingot molds and counter weights (a) between the facilities of Vulcan Mold & Iron Company at or near Latrobe, PA, and Trenton, MI, (b) from the facilities named in (1) above, to points in CT, DE, FL, IL, IN, IA, KY, MD, MI, NJ, NY, NC, OH, PA, MA, MN, RI, TN, TX, VA, WV, SC, and WI, and (2) materials, supplies and equipment used in the manufacture of the commodities named in (1) above (a) from points in the destination states named in (1) above, to the facilities of Vulcan Mold & Iron Company at or near Latrobe, PA, and (1) as a contract carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting lumber, from points in CA, OR, and WA, to the facilities of Hughes Brothers, Inc., at Seward, NE, under continuing contract(s) with Hughes Brothers, Inc. of Seward, NE. (Hearing site: Lincoln, NE.)

MC 142569 (Sub-26F), filed September 20, 1979. Applicant: MID-WESTERN TRANSPORT, INC., 10506 South Shoemaker Ave., Santa Fe Springs, CA 90670. Representative: Joseph Fazio (same address as applicant). To operate as a contract carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) foodstuffs, pet foods, and animal feeds, and (2) such commodities as are used in the processing, milling, packaging, manufacture, or sale of foodstuffs, pet foods, and animal feeds (except frozen commodities and commodities in bulk), between points in the United States in and east of ND, SD, NE, CO, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities of the Carnation Company. (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 143127 (Sub-54F), filed September 12, 1979. Applicant: K. J. TRANSPORTATION, INC., 6070 Collett Rd., Victor, NY 14564. Representative: Linda A. Calvo (same address as applicant). Transporting (1) foodstuffs, pet foods, and animal feeds, and (2) such commodities as are used in the processing, milling, packaging, manufacture, or sale of foodstuffs, pet foods, and animal feeds (except frozen commodities and commodities in bulk), between points in the United States in and east of ND, SD, NE, CO, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities of the Carnation Company. (Hearing site: Los Angeles, CA.)
MC 143386 (Sub-2F), filed November 1, 1979. Applicant: GARDNER TRUCKING CO., INC., P.O. Drawer 493, Walterboro, SC 29488. Representative: Steven W. Gardner (address same as applicant). Transporting dried pet foods, from El Paso, TX, to points in the United States (except AK and HI). (Hearing site: Washington, DC, or Los Angeles, CA.) Note.—Contractors may be involved.

MC 144476 (Sub-2F), filed September 14, 1979. Applicant: M&S TRANSPORT LINES, INC., P.O. Box 417, Sultana, CA 93666. Representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Bldg., 669 Eleventh St. N.W., Washington, D.C. 20001. Transporting foodstuffs, between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Seaboard Foods, Inc., of Providence, RI. (Hearing site: San Francisco, CA.)

Note.—Dual operations may be involved.

MC 144477 (Sub-11F), filed September 24, 1979. Applicant: INTERSTATE EQUIPMENT CO., INC., 22821 N. 81st Ave., Peoria, AZ 85345. Representative: Phil B. Hammond, 3003 N. Central, Suite 1705, Phoenix, AZ 85003. To operate as a contract carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) foodstuffs, and meat-products, and meat-by-products, and articles distributed by meat-packing houses, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 768 (except commodities in bulk), and (2) materials, equipment and supplies used in the manufacture, sale, and distribution of the commodities in (1) above (except commodities in bulk), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Swift & Company, all under continuing contract(s) with Swift & Company, of Chicago, IL. (Hearing site: Washington, DC, Chicago, IL.)

MC 143382 (Sub-16F), filed September 26, 1979. Applicant: BAYWOOD TRANSPORT, INC., ROUTE 6, Box 2611, Waco, TX 76706. Representative: E. Stephen Heasley, 805 McLachlen Bank Building, 669 Eleventh Street, NW, Washington, DC 20001. To operate as a contract carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) foodstuffs, and meats, meat-products, and meat-by-products, and articles distributed by meat-packing houses, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 768 (except commodities in bulk), and (2) materials, equipment and supplies used in the manufacture, sale, and distribution of the commodities in (1) above (except commodities in bulk), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Rock of Ages Granite Corp., at or near Concord, NH, on the one hand, and, on the other, points in TX, and those in the United States in and east of WI, IL, KY, TN, MS, and LA, (c) from points in TX and those in the United States in and east of WI, IL, KY, TN, MS, and LA to the facilities of Rock of Ages Corporation located in VT, and (d) from the facilities of Rock of Ages Corporation located in VT to points in PA, OH, MD, VA, and DC, under continuing contract(s) with Rock of Ages Corporation, of Barre, VT, and Rock of Ages Building Granite Corp., of Concord, NH. (Hearing site: Barre, VT, or Washington, DC.)

Note.—Dual operations may be involved.

MC 143607 (Sub-16F), filed September 26, 1979. Applicant: CAMPBELL TRANSPORT, INC., P.O. Box 368, Vineland, NJ 08360. Representative: Mark D. Russell, Suite 540, Pennsylvania Bldg., 425 15th St., NW, Washington, DC 20004. Contract carrier, transporting (1) paper and paper products, and plastic articles, (except commodities in bulk), and (2) such commodities used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), between the facilities of Malanco East, Inc., at Vineland, NJ, on the one hand, and, on the other, points in KS and TX, and those points in the United States in and east of WI, KY, IL, TN, and MS (except ME, NH, NJ, and VT), under continuing contract(s) with Malanco East, Inc., of Vineland, NJ. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 145267 (Sub-11F), filed September 12, 1979. Applicant: CAMPBELL TRUCKING, INC., P.O. Box 368, Vineland, NJ 08360. Representative: Mark D. Russell, Suite 540, Pennsylvania Bldg., 425 15th St., NW, Washington, DC 20004. Contract carrier, transporting (1) paper and paper products, and plastic articles, (except commodities in bulk), and (2) such commodities used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), between the facilities of Malanco East, Inc., at Vineland, NJ, on the one hand, and, on the other, points in KS and TX, and those points in the United States in and east of WI, KY, IL, TN, and MS (except ME, NH, NJ, and VT), under continuing contract(s) with Malanco East, Inc., of Vineland, NJ. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 145507 (Sub-2F), filed September 11, 1979. Applicant: TRUCKING SERVICES, INC., 28400 Van Born Road, Dearborn Heights, MI 48125. Representative: William B. Elmer, 21835 East Nine Mile Road, St. Clair Shores, MI 48080. Transporting commodities (except in bulk) as are dealt in or used in the manufacture of the commodities in (1) above, between Chippewa Falls, WI, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Amoco Foam Products Company, of Chicago, IL. (Hearing site: Minneapolis, or St. Paul, MN.)

MC 144497 (Sub-7F), filed September 13, 1979. Applicant: SUN FREIGHTWAYS, INC., P.O. Box 5369, Lubbock, TX 79417. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. Transporting general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Carlsbad, NM, and El Paso, TX, over U.S. Hwy 70, serving all intermediate points, (2) between El Paso, TX, and Roswell, NM: from El Paso, over Interstate Hwy 10 to junction U.S. Hwy 70 at or near Las Cruces, NM, then over U.S. Hwy 70 to Roswell, and return over the same route, (3) between Carlsbad, NM and Roswell, NM; from El Paso, TX, and Artesia, NM: from El Paso, TX, over U.S. Hwy 54 to junction U.S. Hwy 82 at or near Alamogordo, NM, then over U.S. Hwy 82 to Artesia, and return over the same routes, serving all intermediate points (Hearing site: Lubbock or El Paso, TX.)

MC 144476 (Sub-2F), filed September 24, 1979. Applicant: J & R TRUCKING, INC., 300 2nd Ave., NW, Montgomery, MN 56005. Representative: Samuel Rubenstein, 301 North Fifth St., Minneapolis, MN 55403. Contract carrier transporting such commodities as are dealt in or used by manufacturers and distributors of cellulose materials and cellulose products (except commodities in bulk, in tank vehicles), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Diversified Insulation, Inc., under continuing contract(s) with Diversified Insulation, Inc., of Hamel, MN. (Hearing site: Minneapolis or St. Paul, MN.)

MC 144476 (Sub-3F), filed September 24, 1979. Applicant: BAYWOOD TRANSPORT, INC., ROUTE 6, Box 2611, Waco, TX 76706. Representative: E. Stephen Heasley, 805 McLachlen Bank Building, 669 Eleventh Street, NW, Washington, DC 20001. To operate as a contract carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) flat glass, from Providence, RI, New York, NY, Chicago, IL, Cleveland, OH, Detroit, MI, Philadelphia, PA, Baltimore, MD, New Orleans, LA, Charleston, SC, Savannah, GA, and Portage, IN, to points in the United States (except AK and HI), contract(s) with Associated Imports, Inc., of Providence, RI. (Hearing site: Boston, MA, or Providence, RI.)
of Wickes Corporation. (Hearing site: Lansing, MI.)

MC 145456 (Sub-1F), filed September 21, 1979. Applicant: LARRY HENDERSON, d/b/a HENDERSON TRUCKING, 1037 2nd St., SE, Multrie, GA 31768. Representative: Larry A. Henderson (same address as applicant). To operate as a contract carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting fertilizer and fertilizer ingredients, between the facilities of Pelham Phosphate Company, at Pelham, GA, on the one hand, and, on the other, points in AL and FL, under continuing contract(s) with Pelham Phosphate Company, of Pelham, GA. (Hearing site: Jacksonville, FL.)

MC 145474 (Sub-4F), filed September 26, 1979. Applicant: MINDEMANN TRANSPORTATION, INC., N33 W22863 Main Street, Sussex, WI 53089. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719. To operate as a contract carrier, by motor vehicle, in interstate or foreign commerce, transporting stone, gravel, and stone products, between points in Waukesha County, WI, on the one hand, and, on the other, points in IA, IL, IN, MI, MO, MN, and OH, under continuing contract(s) with Halquest Stone Co., Inc., of Sussex, WI. (Hearing site: Milwaukee, WI.)

MC 145797 (Sub-9F), filed September 11, 1979. Applicant: NANCY TRANSPORTATION, INC., 429 Stablestone Drive, Chesterfield, MO 63017. Representative: Herbert Alan Dubin, Sullivan & Dubin, 1330 Fenwick Lane, Silver Spring, MD 20910. To operate as a contract carrier, by motor vehicle, over irregular routes, in interstate or foreign commerce, transporting foodstuffs (1) from the facilities of Summarc, Inc. at or near Itasca, IL, to points in CA, GA, and TX, and (2) from the facilities of Summarc, Inc. at or near St. Louis, MO, to points in CA, GA, IN, and TX. (Hearing site: St. Louis, MO, or Washington, DC.)

MC 145997 (Sub-2F), filed September 13, 1979. Applicant: W. O. WOOD & SONS, INC., Route 1, Box 73, Sandy Ridge, NC 27406. Representative: Terrell C. Clark, P. O. Box 241, Stanleytown, VA 24168. To operate as a contract carrier, by motor vehicle, in interstate commerce, transporting fertilizer, and fertilizer ingredients in bags, from Danville, VA, to points in NC, under continuing contract(s) with Smith-Douglas Division of Borden Chemical, Borden, Inc., of Norfolk, VA. (Hearing site: Greensboro, NC.)

MC 146516 (Sub-3F), filed September 14, 1979. Applicant: ALEXANDER TRUCKING, INC., 1209 South Woodland Drive, Dothan, AL 36301. Representative: Daniel O. Hands, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60063. Transporting: (1) bananas and (2) commodities otherwise exempt from economic regulation under 49 USC Section 10526(o)(8), when transported in mixed loads with bananas, from Mobile, AL, to points in TX, restricted to the transportation of traffic having a prior movement by water. (Hearing site: Miami, FL, or Washington, DC.)

MC 146540 (Sub-28F), filed September 13, 1979. Applicant: BRISTOW TRUCKING CO., a Corporation, P.O. Box 6355 A, Birmingham, AL 35217. Representative: Mr. Henry Bristow, Jr. (same address as applicant). Transporting building and construction materials (except commodities in bulk) from Memphis, TN, to points in KY, IN, IL, MO, KS, OK, AR, LA, MS, TX, AL, NE, and IA. Condition: Person or persons who appears to be engaged in common control between applicant and another regular carrier must either file an application under 49 U.S.C. 11343(A) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Tampa, FL, or Birmingham, AL.)

Note.—The person or persons who appear to be engaged in common control must either file an application under 49 U.S.C. 11343(a) or submit an affidavit indicating why such approval is unnecessary.

MC 146546 (Sub-55F), filed November 1, 1979. Applicant: BRISTOW TRUCKING CO., INC., P.O. Box 63558, Birmingham, AL 35217. Representative: John R. Frawley, Jr., 5306 Crestwood Blvd., Birmingham, AL 35212. Transporting (1) containers, and (2) materials and supplies, used in the manufacture and distribution of containers, (except commodities in bulk), between the facilities of National Can Corporation, at or near (A) Pascagoula, MS, (B) Birmingham, AL, (C) Bishopville, SC, Memphis, TN, Winston-Salem, NC, Baltimore, MD, Cambridge, MD, on the one hand, and, on the other, all points in AL, FL, GA, KY, LA, MS, NC, SC, TN and VA. (Hearing site: Birmingham, AL, or Piscataway, NJ.)

Note.—The person or persons who appear to be engaged in common control must either file an application under 49 U.S.C. 11343(a) or submit an affidavit indicating why such approval is unnecessary.

MC 147106 (Sub-1F), filed September 13, 1979. Applicant: R. H. LUDWIG & CO., INC., 400 Jackson Park Dr., Seymour, IN 47274. Representative: Beverly J. Williams, 46 East Ohio St., Indianapolis, IN 46204. Transporting ironing caddies and tables, bed frames, clothes racks, shopping and laundry carts, laundry stools, and step stools, from Seymour, IN, to Los Angeles and San Francisco, CA, Phoenix, AZ.
MC 147377 (Sub-2F), filed September 21, 1979. Applicant: T & W CONTRACT CARRIERS, INC., 54 Furnace Street, Danielson, CT 06232. Representative: James Robert Evans, 145 W. Wisconsin Avenue, Neenah, WI 54956. To operate as a contract carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) Office furniture, and furnishings, between Taftville, CT, on the one hand, and, on the other, Denver and Pueblo, CO, Dover, Newark, and Wilmington, DE, Minneapolis, MN, Oklahoma City and Tulsa, OK, Seattle and Spokane, WA, Madison, Milwaukee, and Racine, WI, and points in AL, AZ, AR, CA, FL, GA, IL, IN, IA, KS, KY, LA, MD, MA, MI, MO, NJ, NY, NC, OH, OR, PA, TN, TX, VA, etc., and (2) Materials and supplies used in the manufacture and distribution of commodities named in (1), from New York, NY, Grand Rapids, MI, and Allentown, PA, to Taftville, CT, under continuing contracts with Helikon Furniture Company, Inc., of Taftville, CT. (Hearing site: Hartford, CT or Providence, RI.)

MC 147417 (Sub-2F), filed September 11, 1979. Applicant: NEALY ENTERPRISES OF MISSISSIPPI, INC., 4749½ Hwy 80 West, P.O. Box 2474, Jackson, MS 39205. Representative: Fred W. Johnson, Jr., 1500 Deposit Guarantee Plaza, P.O. Box 22628, Jackson, MS 30325. Contract carrier, transporting automotive parts and, associated with the facilities of NAPA Distribution Center at Jackson, MS, to points in LA, under continuing contract(s) with NAPA Distribution Center. (Hearing site: Jackson, MS, or New Orleans, LA.)

MC 147687 (Sub-2F), filed September 11, 1979. Applicant: J. H. STEWART & SON TRUCKING CO., 735 Laidlaw Ave., Cincinnati, Ohio 45237. Representative: John L. Alden, 1396 West Fifth Ave., P.O. Box 12241, Columbus, Ohio 43212. 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, commodities in bulk, and those injurious or contaminating to other lading, between Cincinnati, OH, on the one hand, and, on the other, points in IN, KY, OH, restricted to the transportation of tariffs having a prior or subsequent movement by rail. (Hearing site: Columbus, OH, or Washington, DC.)

MC 147675 (Sub-1F), filed September 9, 1979. Applicant: FERMAR TRUCKING, INC., 2 West 45th St., New York, NY 10001. Representative: Ronald I. Shaps, 450 Seventh Ave., New York, NY 10001. Contract carrier, transporting gypsum products, and materials and supplies used in the manufacture and distribution of gypsum products, between Burlington, NJ, on the one hand, and, on the other, New York, NY, and points in Suffern, NY, under continuing contract(s) with Gold Bond Building Products Division of National Gypsum Company of Charlotte, NC. (Hearing site: New York, NY.)

MC 147876 (Sub-1F), filed September 26, 1979. Applicant: SHAY COMPANY, INC., P.O. Box 2081, Clarksville, IN 47130. Representative: Ralph B. Matthews, P.O. Box 59367, Atlanta, GA 30343. To operate as a contract carrier, by motor vehicle in interstate or foreign commerce over irregular routes, transporting paper and paper products, (1) from Port Huron, MI, and Leitchfield, KY, to points in WA, CA, NV, ID, MT, WY, UT, AZ, CO, OR, LA, TX and NM, and (2) from Casa Grande, AZ, to points in WA, CA, NV, ID, MT, WY, UT, CO, OR, NM, and TX, under continuing contract(s) with Port Huron Paper Company, of Port Huron, MI. (Hearing site: Detroit, MI, or Los Angeles, CA.)

MC 147887 (Sub-1F), filed September 11, 1979. Applicant: K. M. COLLINS CO., INC., 202 North Belt, Suite 210, Houston, TX 77060. Representative: Clint Oldham, 1108 Continental Life Building, Fort Worth, TX 76102. Transporting (1) drilling rigs and parts for drilling rigs, and (2) materials and equipment [except commodities in bulk] used in the installation, manufacture and distribution of the commodities in (1) above, between the facilities of Skytop Brewster Company, at or near Conroe, TX, on the one hand, and, on the other, points in AR, CO, KS, LA, NM, OK, TX, UT, and WY. (Hearing site: Houston or Dallas, TX.)

MC 147899 (Sub-3F), filed September 18, 1979. Applicant: WESTERN SONTTEX, INC., P.O. Box 667, Seal Beach, CA 90740. Representative: Miles L. Kavaller, 313 So. Beverly Dr., Suite 315, Beverly Hills, CA 90212. To operate as a contract carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting trucks, truck tractors, and truck chassis, in initial movements, in driveaway services, from Oshkosh, WI to points in the United States (including AK, but excluding HI), under continuing contract(s) with Oshkosh Truck Corporation, of Oshkosh, WI. (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 147897 (Sub-2F), filed September 20, 1979. Applicant: W.T.S. OF MICHIGAN, INC., 1609–109th Street, Grand Prairie, TX 75050. Representative: E. Larry Wells, P.O. Box 45358, Dallas, TX 75245. Contract carrier, transporting (1) copying, duplicating, and word processing machines, uncrated, and (2) materials and supplies as used in the manufacture, sale, and installation of the commodities: (1) above, from the facilities of The Xerox Corporation at or near Livonia, MI, to points in Defiance, Erie, Fulton, Hancock, Henry, Huron, Lucas, Ottawa, Paulding, Putnam, Sandusky, Seneca, Williams, and Wood Counties, OH, under continuing contract(s) with The Xerox Corporation, of Des Plaines, IL. (Hearing site: Dallas, TX.)

Creek Provisions Company, of Nevada, contract(s) in commodities in (2)(a) above, between manufacture and distribution of the equipment, and supplies machinery parts, Refrigeration compressors, and refrigeration, between the facilities of vehicles equipped with mechanical prepared meats and meat products, in meat products and materials, 1979.

City and Tulsa, OK, and Amarillo States (except AK and HI), and (2](a) commerce, over irregular routes, transporting.

applicant: K. K. Mc

Motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) prepared meats and meat products and materials, equipment, and supplies used in the manufacture and distribution of prepared meats and meat products, in vehicles equipped with mechanical refrigeration, between the facilities of Honey Creek Provisions Company, in Wyandot County, OH, on the one hand, and, on the other, points in the United States (except AK and HI), and (2)(a) Refrigeration compressors, and machinery parts, and (b) materials, equipment, and supplies used in the manufacture and distribution of the commodities in [2](a) above, between Marion, OH, on the one hand, and, on the other, points in the United States (except AK and HI), and on continuing contract(s) in (1) above with Honey Creek Provisions Company, of Nevada, OH and in (2) above with Tecumseh Products, Marion Division, of Marion, OH. (Hearing site: Columbus, OH.)

MC 148266F, filed September 13, 1979. Applicant: NATIONWIDE MAGAZINE AND BOOK DISTRIBUTORS, INC., 2111 Rose Lane, Irving, TX 75061. Representative: Sam Hallman, 4555 First National Bank Building, Dallas, TX 75202. Authority sought to operate as a contract carrier, by motor vehicle, in interstate or foreign commerce over irregular routes, transporting magazines and books, from Dallas, TX, to El Dorado, Fayetteville, Fort Smith, Jonesboro, Little Rock, and Pine Bluff, AR, Benton Rouge, Crowley, LaFayette, New Orleans, and Shreveport, LA, Gulfport, MS, Albuquerque, Carlsbad, Gallup, and Tucumcari, NM, Oklahoma City and Tulsa, OK, and Amarillo Austin, Beaumont, Bryan, Corpus Christi, El Paso, Galveston, Harlingen, Houston, Laredo, Lubbock, Lufkin, Midland, Paris, San Antonio, Temple, Tyler, Victoria, Waxahachie, and Wichita Falls, TX, under continuing contract(s) with Nationwide Driver Service, Inc. (Hearing site: Dallas, or Fort Worth, TX.)

MC 148277F, filed September 24, 1979. Applicant: LOUIS R. VINCENT, an Individual, d.b.a. L. R. Vincent Trucking, 239 Harrison Street P.O. Box 254, Iron Mountain, MI 49801. Representative: Ronald J. Mastej, 900 Guardian Building, Detroit, MI 48226. To operate as a contract carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) motor vehicle parts and accessories, and (2) materials and supplies used in the distribution of the commodities in [1] above, between Milwaukee, WI, on the one hand, and, on the other, Florence, Jackson, Marquette, and Sheboygan Counties, WI, and Chippewa, Delta, Dickinson, Iron, Luce, Mackinac, Marquette and Schoolcraft Counties, MI, under continuing contract(s) with the Ford Motor Company, of Dearborn, MI. (Hearing site: Chicago, IL.)

MC 148622F, filed November 1, 1979. Applicant: TOWNE-ROAD CARRIERS CORPORATION, INC., 415 Lilac St., Lino Lakes, MN 55014. Representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, MN 55402. To operate as a contract carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) precast concrete products, from Lino Lakes, MN, to points in IL, IA, MN, ND, and SD; and (2) equipment, materials, and supplies used in the manufacture of precast concrete products, in the reverse direction, under continuing contract(s) with Molin Concrete Products Co., of Lino Lakes, MN. (Hearing site: St. Paul, MN.) Volume No. 37

Decided: February 28, 1980. By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 1824 (Sub-105F), filed October 22, 1979. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Boulevard, Preston, MD 21555. Representative: Charles S. Perry (same as above). Transporting general commodities, (except those of unusual value, classes A & B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), over regular routes, between St. Louis, MO, and Evansville, IN, from St. Louis over Interstate Hwy 64 to junction U.S. 41, then over U.S. Hwy 41 to Evansville, and return over the same route, serving no intermediate points. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 30644 (Sub-663F), filed October 23, 1979. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 5000, Waterloo, IA 50704. Representative: John P. Rhodes [same address as applicant]. Transporting salad dressings and food sauces, in containers, from the facilities of Western Dressing, Inc., to Grundy Center, IA, to points in and west of ND, SD, WY, UT and NM, (except AK and HI) restricted to the transportation of shipments originating at or destined to the facilities of Houze Glass Corporation. (Hearing site: Washington, DC.)

MC 6535 (Sub-103F), filed October 18, 1979. Applicant: GEORGE TRANSFER AND RIGGING COMPANY, INCORPORATED, P.O. Box 500, Parkton, MD 21120. Representative: John Guadolo, 1000 Sixteenth Street NW., Washington, DC 20036. Transporting hardboard, fibreboard, and wallboard, and equipment and supplies used in their installation and distribution thereof, from the facilities of Homasote Company at Trenton, NJ, to points in IL and IN. (Hearing site: Trenton, NJ, Philadelphia, PA, or Washington, DC.)

MC 14363 (Sub-2F), filed October 19, 1979. Applicant: BOULEVARD STORAGE & MOVING CO., INC., 2620 W. Wisconsin Ave., Milwaukee, WI 53233. Representative: Richard C. Alexander, 710 N. Plankinton Ave., Milwaukee, WI 53203. Transporting household goods as defined by the Commission, between points in WI, on the one hand, and, on the other, points in IL, IA, MA, MN, and OH. (Hearing site: Milwaukee, WI.)

MC 20624 (Sub-45F), filed October 19, 1979. Applicant: COMMERCIAL MOTOR FREIGHT, INC. OF INDIANA, 2141 S. High School Rd., Indianapolis, IN 46241. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), over regular routes, between St. Louis, MO, and Evansville, IN, from St. Louis over Interstate Hwy 64 to junction U.S. Hwy 41, then over U.S. Hwy 41 to Evansville, and return over the same route, serving no intermediate points. (Hearing site: Indianapolis, IN, or Chicago, IL.)
MC 60014 (Sub-154F), filed October 18, 1979. Applicant: AERO TRUCKING, INC., Box 303, Monroeville, PA 15146. Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. Transporting iron and steel articles, from the facilities of DuBose Steel, Inc., at (1) Roseboro, NC, (2) Darlington, Florence, Georgetown, and Richland Counties, SC, and (3) Atlanta, GA, to points in WA, TN, MS, and LA. (Hearing site: Washington, DC.)

MC 60014 (Sub-155F), filed October 18, 1979. Applicant: AERO TRUCKING, INC., Box 303, Monroeville, PA 15146. Representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Transporting polyvinyl chloride (except in bulk), and plastic pipe and fittings, from the facilities of PIG Industries, Inc., at Colfax, NC, to points in the United States. (Hearing site: Washington, DC.)

MC 60014 (Sub-157F), filed October 18, 1979. Applicant: AERO TRUCKING, INC., Box 303, Monroeville, PA 15146. Representative: A. Charles Tell, 100 East Broad St., Columbus OH 43215. Transporting fiberglass products, from the facilities of Wallace Murray Corp., at Wills Point, WI, IL, KY, TN, MS, and LA. (Hearing site: Washington, DC.)

MC 73165 (Sub-496F), filed October 22, 1979. Applicant: EAGLE MOTOR LINES, INC., 830 33rd St., North, Birmingham, AL 35202. Representative: R. Cameron Rollins, P.O. Box 11086, Birmingham, AL 35202. Transporting iron and steel articles, from the facilities of Atlantic Steel Company, at or near Atlanta and Cartersville in GA, WI, and KY. CONDITION: The person or persons who appear to be engaged in the control of applicant and another regulated carrier must either file an application under 49 U.S.C. § 11534(a) (1978), or submit an affidavit indicating why such approval is unnecessary. Affidavits are due 20 days from the date of publication. (Hearing site: Atlanta, GA.)

MC 81495 (Sub-57), filed October 18, 1979. Applicant: GRAYPORT TRANSFER & STORAGE CO., INC., P.O. Box 1499, 500 South Alder, Aberdeen, WA 98520. Representative: George Kargianis, 2120 Pacific Bldg., Seattle, WA 98104. Transporting woody pulp, in bales or rolls, between Cosmopolis, WA, on the one hand, and, on the other, Everett, Seattle, Tacoma, Longview, WA, and Portland, OR and port of entry on the International Boundary line at or near Blaine, between the United States and Canada and Sumas, WA. (Hearing site: Seattle, WA.)

MC 105045 (Sub-123F), filed October 22, 1979. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, IN 47701. Representative: Richard C. McInnis, 711 Washington Building, Washington, DC 20005. Transporting metal products, and parts and accessories therefor, from the facilities of Gallaway Aluminum Products, Inc., at Gallaway, TN, to points in the United States (except AK and HI). (Hearing site: Memphis, TN.)

MC 106874 (Sub-440F), filed October 19, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). Transporting (1) glass containers and closures therefor, from the facilities of Ball Corporation, at or near (a) Asheville, NC, (b) Muncie, IN, (c) Mundelein, IL, and (d) Okmulege, OK, to points in the US (except AK and HI), (2) metal containers and ends therefor, from the facilities of Ball Corporation, at or near (a) Fairfield, CA, (b) Findlay, OH, (c) Golden, CO, and (d) Williamsburg, VA, to points in the US (except AK and HI), (3) glass containers and closures therefor, from warehouse facilities of Ball Corporation, in Cook and Lake counties, IL, to points in the US (except AK and HI), (4) materials, supplies and equipment used in the manufacture of glass and metal containers and closures therefor; from points in the US (except AK and HI) and destined to the facilities of Ball Corporation at or near (a) Asheville, NC, (b) El Monte, CA, (c) Fairfield, CA, (d) Findlay, OH, (e) Golden, CO, (f) Muncie, IN, (g) Mundelein, IL, (h) Okmulege, OK, and (i) Williamsburg, VA. (Hearing site: Chicago, IL, or Indianopolis, IN.)

MC 111045 (Sub-129F), filed October 11, 1979. Applicant: REDWING CARRIERS, INC., P.O. Box 428, Tampa, FL 33601. Representative: L. W. Fincher (same address as applicant). Transporting pulp mill liquids, in bulk, in tank vehicles, (1) between Mobile, AL, on the one hand, and, on the other, Redwood and Moss Point, MS, Panama City and Cantonment, FL, and (2) between Moss Point, MS, on the one hand, and, on the other, Panama City and Cantonment, FL. (Hearing site: Mobile, AL.)


MC 114604 (Sub-93F), filed October 22, 1979. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer J, Forest Park, GA 30293. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd., NE, Atlanta, GA 30328. Transporting sugar (except in bulk), from points in LA, points in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Atlanta, GA.)

MC 115654 (Sub-181F), filed October 22, 1979. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193, Nashville, TN 37202. Representative: Henry E. Seaton, 829 Pennsylvania Bldg., 425 Thirteenth St., NW., Washington, DC 20004. Transporting such articles as are dealt in by wholesale and retail grocery houses, from the facilities of Standard Brands, Inc., at or near Columbus, OH, to points in KY. (Hearing site: Nashville, TN.)

MC 115654 (Sub-182F), filed October 19, 1979. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193, Nashville, TN 37202. Representative: Henry E. Seaton, 829 Pennsylvania Bldg., 425 Thirteenth St., NW., Washington, DC 20004. Transporting petroleum products and lubricating oils, (except in bulk), and (2) automotive accessories dealt in by service stations, from the facilities of Exxon, U.S.A., at Baton Rouge, LA, to points in TN and KY. (Hearing site: Nashville, TN.)
George A. Olsen, P.O. Box Tavares, FL TRUCKING, INC., P.O. Box 72316, Oklahoma City, OK 73147. Representative: R. E. Hagan (same address as applicant). Transporting salt and salt products, mineral feed mixtures, from Port of Catoosa, OK, to points in AR, KS, MO, OK, and TX. (Hearing site: Oklahoma City, OK.)

MC 117815 (Sub-330F), filed October 17, 1979. Applicant: PULLEY FREIGHT LINES, INC., 405 S.E. 20th St., Des Moines, IA 50317. Representative: Jack H. Bienasch, Suite 203, 203 Lake St. Ave., Park Ridge, IL 60068. Transporting charcoal briquettes and wood chips (except commodities in bulk), from the facilities of The Kingsford Company, at Burnsville, KY, to points in IL, IN, IA, MI, MN, OH, and WI. (Hearing site: Louisville, KY, or Chicago, IL.)

MC 119865 (Sub-80F), filed October 17, 1979. Applicant: HI-WAY DISPATCH, INC., 1401 West 26th St., P.O. Box 599, Marion, IN 46952. Representative: Norman R. Garvin, 1301 Merchants Plaza Indianapolis, IN 46204. Transporting containers and accessories therefor, and equipment, materials and supplies, used in the manufacture, sale or distribution of these commodities (except in bulk), between points in IL, IN, OH, MI, MO, KY, WI, and WI. (Hearing site: Marion, IN 46952. Representative: R. O. Daniel, 208 East 28th St., Des Moines, IA 50317.)

Note.—Dual operations may be involved.

MC 134105 (Sub-76F), filed October 18, 1979. Applicant: CERGYVALE TRANSPORT, INC., 208 East 28th St., Chattanooga, TN 37410. Representative: Daniel O. Hands, Suite 200, 205 West Touro Ave., Park Ridge, IL 60068. Transporting foodstuffs (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from the facilities of M&M/Mars, at Hackettstown, NJ, and Elizabethtown, PA, to points in IL, KY, MD, MI, OH, PA, and TN, restricted to the transportation of food originating at the named origin and destined to the indicated destinations. (Hearing site: Philadelphia, PA, or Newark, NJ.)

MC 134105 (Sub-77F), filed October 18, 1979. Applicant: CERGYVALE TRANSPORT, INC., 208 East 28th Street, Chattanooga, TN 37410. Representative: Daniel O. Hands, Suite 200, 205 West Touro Ave., Park Ridge, IL 60068. Transporting foodstuffs (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from the facilities of M&M/Mars, at Cleveland, TN, to points in CA, KY, MD, MN, NJ, OH, PA, VA, and WI, restricted to traffic originating at the named origin and destined to the named destinations. (Hearing site: Nashville, TN, or Atlanta, GA.)

Stephen Heisley, 668 Eleventh Street, NW, Washington, DC 20001. To operate as a contract carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) trailers designed to be drawn by passenger automobiles, in initial movements, modular buildings, and buildings, in sections, moving on wheeled undercarriages; (2) parts and accessories therefor; and (3) materials, equipment and supplies used in the manufacture and distribution of the commodities in (1) above; and (4) wheeled undercarriages between Moses Lake, WA, on the one hand, and, on the other, points in the United States (except AK and HI) under continuing contract(s) with Lancer Homes, Inc., of Corona, CA. (Hearing site: Los Angeles, CA.)
Northern Lumber Sales, Inc., in Davidson County, TN, on the one hand, and on the other, those points in the United States in and east of TX, OK, KS, NB, SD, ND, (except MD, VT, and NH). (Hearing site: Nashville, TN, or Washington, DC.)

Note.—Dual operations may be involved.

MC 138104 (Sub-88F), filed October 22, 1979. Applicant: MOORE TRANSPORTATION CO., INC., 3509 N. Grove St., Fort Worth, TX 76105. Representative: Bernard H. English, 1330 Fenwick Lane, Silver Spring, MD 20910. Transporting (1) Pipe fittings and connections, hangers, indicator posts, hydrants, pipe, bars, connectors, rods, values, castings, flanges, nipples, facings, gaskets, water motor alarms, pipe cement, joint compound, automatic sprinkler heads, fire protection and prevention systems, air heaters, blowers, insulated wire, electrical plug and cord sets, power supply cords, lighting fixtures, plumbing fixtures, and plumbing equipment; and (2) materials and supplies used in the manufacture and distribution of the commodities specified in (1) above, (except commodities which because of size or weight require the use of special equipment, and commodities in bulk) between points in AR, except AK and HI. (Hearing site: Washington, DC.)

MC 139304 (Sub-19F), filed October 19, 1979. Applicant: NATIONAL PACKERS EXPRESS, INC., 3445 Patterson Plank Rd., North Bergen, NJ 07047. Representative: Craig B. Sherman, Barnett Bank Building, 1128 Kane Concourse, Bay Harbor Islands, FL 33154. Transporting (1) Packaging supplies and products used in the manufacture thereof, from Aiken, SC, and (2) Packaging supplies and products used in the manufacture thereof, tarp, reinforced paper, polyethylene bags, tubing, sheets, adhesives, reinforced mailers, and ink, from Linden, NJ, to points in the United States (except AK and HI), restricted in parts 1 and 2 to traffic originating at and destined to the named points. (Hearing site: New York, NY, or Washington, DC.)

MC 136053 (Sub-98F), filed October 19, 1979. Applicant: WESTERN EXPRESS, INC., Box 5945, Gastonia, NC 28052. Representative: Eric Meijerhofer, Suite 423, 1511 K Street, NW, Washington, DC 20005. Transporting general commodities (except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) which are at the time moving on bills of lading of freight forwarders operating pursuant to 49 U.S.C. 10923, between points in the United States (except between points in CA, WA, OR, NV, ID, UT, and AZ, on the one hand, and, on the other, points in AR, LA, MS, MD, KY, TN, AL, FL, GA, SC, NC, VA, and DC). (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 139498 (Sub-495F), filed October 11, 1979. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1558, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1330 Fenwick Lane, Silver Spring, MD 20910. Transporting (1) Pipe fittings and connections, hangers, indicator posts, hydrants, pipe, bars, connectors, rods, values, castings, flanges, nipples, facings, gaskets, water motor alarms, pipe cement, joint compound, automatic sprinkler heads, fire protection and prevention systems, air heaters, blowers, insulated wire, electrical plug and cord sets, power supply cords, lighting fixtures, plumbing fixtures, and plumbing equipment; and (2) materials and supplies used in the manufacture and distribution of the commodities specified in (1) above, (except commodities which because of size or weight require the use of special equipment, and commodities in bulk) between points in AR, except AK and HI. (Hearing site: Cleveland, OH, or Washington, DC.)

MC 141205 (Sub-38F), filed October 17, 1979. Applicant: HUSKY OIL TRANSPORTATION COMPANY, a Corporation, 600 South Cherry St., Denver, CO 80222. Representative: F. Robert Reeder, P.O. Box 11693, Salt Lake City, UT 84147. Contract carrier transporting crude oil, scrubber oil and condensate from points in Billings County, ND, to the pipeline facilities of the Portal Pipeline Company, near Stanley, ND, the pipeline facilities of the Porta1 Pipeline Company near Reserve, MT, the pipeline facilities of the Butte Pipeline Company near Baker, MT, the pipeline facilities of the Continental Pipeline Company near Douglas, WY, the pipeline facilities of the Butte Pipeline Company near Casper, WY, and the Husky Oil Company refinery, at Cheyenne, WY, under continuing contract(s) with Husky Oil Company, of Denver, CO. (Hearing site: Denver, CO.)

MC 141205 (Sub-39F), filed October 17, 1979. Applicant: HUSKY OIL TRANSPORTATION COMPANY, a Corporation, 600 South Cherry St., Denver, CO 80222. Representative: F. Robert Reeder, P.O. Box 11693, Salt Lake City, UT 84147. Contract carrier transporting crude oil, scrubber oil and condensate from points in Yellowstone County, MT, to the Husky Oil Refinery, at Cody, WY, and the pipeline injection facilities of Marathon Pipeline Company, at Oregon Basin, WY, under continuing contract(s) with Husky Oil Company, of Denver, CO. (Hearing site: Denver, CO.)

MC 143775 (Sub-119F), filed October 19, 1979. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Michael R. Burko (same as applicant). Transporting meats, meat products, meat by-products and articles distributed by meat packinghouses as described in Motor Carrier Certificates, 61 M.C.C. 209 and 768 (except hides and commodities in bulk), from the facilities of Swift & Company, at Rochelle, Bradley, St. Charles, and East St. Louis, IL, to CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV, and DC. (Hearing site: Chicago, IL, or Washington, DC.)

Note.—Dual operations may be involved.

MC 146994 (Sub-4F), filed October 18, 1979. Applicant: RELIABLE TRUCK LINES, INC., 1451 Spahn Avenue, York, PA 17403. Representative: Michael Valezik (same as applicant). Transporting wrapping paper, wood pulp board, wood pulp, and scrap paper,
between West Point, VA, on the one hand, and, on the other, points in CT, DE, IL, IN, MA, MD, MI, NH, NJ, NY, OH, PA, RI, and WV. (Hearing site: Washington, DC, or Harrisburg, PA.)

MC 148344 (Sub-3F), filed October 11, 1979. Applicant: TRAVIOLI AND SONS TRUCKING, INC., R.R. No.-31, Box 169A, Terre Haute, IN 47803. Representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., Indianapolis, IN 46204. Contract carrier transporting magazines, catalogs and printed matter, from Sparta, Effingham, Salem and Mt. Vernon, IL, to points in FL, GA, and AL, under continuing contract(s) with World Color Press, Inc., of Effingham, IL. (Hearing site: Chicago, IL, or Indiana.)

MC 148405 (Sub-2F), filed October 22, 1979. Applicant: BODIE CORP., 3350 Olive Ave., P.O. Box 7097, Long Beach, CA 90807. Representative: R. Y. Schuerman, 1545 Wilshire Blvd., Los Angeles, CA 90017. To operate as a contract carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) sucker rods and accessories, from points in Tulsa County, OK, to points in CA, and (2) sub-surface pump barrels, from points in CA and NM, to points in Tulsa County, OK, under continuing contract(s) with Dover Corporation/Norris Division, of Tulsa, OK. (Hearing site: Los Angeles, CA.)


MC 148585F, filed October 18, 1979. Applicant: CARAVAN MOTOR SERVICE, INC., 1800 Mannheim Rd., Westchester, IL 60153. Representative: Joel H. Steiner, 39 South LaSalle St., Chicago, IL 60603. Transporting iron and steel articles, between Gary, IN, on the one hand, and, on the other, points in IL. (Hearing site: Chicago, IL.)

Volume No. 40

Decided: February 20, 1980.
Transporting (1) commodities the transportation of which because of size or weight requires special handling or the use of special equipment (2) rock crushing equipment and construction equipment and (3) parts and materials for the commodities in (1) and (2) above (except commodities in bulk), between points in Linn County, IA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL)

MC 6192 (Sub-477), filed November 5, 1979, Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, IN 47130. Representative: E. A. DeVine, P.O. Box 737, Moline, IL 61265. Transporting (1) plastic bags, plastic can liners, plastic containers, plastic articles, plastic film, plastic sheeting, plastic drop cloths, and plastic tarps, from points in McDonough County, IL, to points in CA, CO, ID, IN, IA, KS, MI, MN, MO, MT, NE, NV, ND, OH, OR, SD, UT, WA, WI, and WY; (2) equipment, materials, and supplies used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk, in tank vehicles), from points in the destination States in (1) above, to points in McDonough County, IA; (3) plastic bags, plastic can liners, plastic containers, plastic articles, plastic film, plastic sheeting, plastic drop cloths, and plastic tarps, from points in Lawrence County, TN, to points in AL, FL, GA, KY, LA, MS, NC, SC, TX, VA, WA, and WV; and (4) equipment, materials, and supplies used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk, in tank vehicles), from points in the destination States in (3) above, to points in Lawrence County, TN. (Hearing site: Washington, DC.)

MC 6192 (Sub-477), filed November 12, 1979. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, IN 47130. Representative: E. A. DeVine, P.O. Box 737, Moline, IL 61265. Transporting such commodities as are dealt in or used by, dealers and manufacturers of agricultural equipment, industrial equipment, and lawn and leisure products (except commodities in bulk, and automobiles, trucks, buses, as described in Descriptions in Motor Carrier Certificates, 61, M.C.C. 209 and 760 from the facilities of Sperry New Holland Division, Speney Corporation at or near Columbus, NE to points in IL, IN, IA, KS, MI, MO, ND, SD, and WI. Restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Denver, CO or Chicago, IL)

MC 61832 (Sub-97), filed November 30, 1979, Applicant: DOBSON CARTAGE AND STORAGE COMPANY, 5024 So. Garfield Road, Auburn, MI 48001. Representative: Robert J. Gallagher, 1000 Connecticut Avenue, N.W., Suite 1200, Washington, DC 20036. Transporting household goods as defined by the Commission between points in MI, IL, IN, NY, OH, PA, WI, and ports of entry on the international boundary line between the United States and Canada and Detroit and Port Huron, MI, and (2) between points in MI, IL, IN, NY, OH, PA, WI, on the one hand, and, on the other, NY, PA, OH, IN, MI, WI, IA, MO, KY, NC, TN, AR, OK, NM, AZ, CA, TX, MS, AL, GA, SC, NC, LA, and FL. (Hearing site: Detroit, MI)

MC 71652 (Sub-41F), filed November 5, 1979. Applicant: BYRNE TRUCKING, INC., P.O. Box 1124, Medford, OR 97501. Representative: William D. Taylor, 100 Pine Street, Suite 2900, San Francisco, CA 94111. Transporting building materials, between points in CA, OR, WA and ID. (Hearing site: Medford, OR or San Francisco, CA.)

Note.—Applicant seeks to substitute single-line service for joint-line operation involving applicant and Don Pfaff's dba Pfaff's Truck Lines.

MC 71772 (Sub-4F), filed November 9, 1979. Applicant: MT. PLEASANT TRANSFER, INC., P.O. Box 267, Columbia Hwy, Mt. Pleasant, TN 38474. Representative: Stephen L. Edwards, 806 Nashville Bank and Trust Bldg., Nashville, TN 37201. Transporting general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Mt. Pleasant, TN and Chattanooga, TN, from Mt. Pleasant, TN over U.S. Hwy 42 to junction U.S. Hwy 43 and TN Hwy 50, then over TN Hwy 50 to junction TN Hwy 50 and U.S. Hwy 431, then over U.S. Hwy 431 to junction U.S. Hwy 64, then over U.S. Hwy 64 to junction Interstate Hwy 24, then over Interstate Hwy 24 to junction TN Hwy 28, then over TN Hwy 28 to junction U.S. Highways 41, 64, and 72, then over U.S. Highways 41, 64, and 72 to junction Interstate Highway 24, then over Interstate Highway 24 to Chattanooga, and return over the same routes, serving no intermediate points, but serving all points in Maury County, TN, as off-route points. (Hearing site: Nashville, TN.)

Note.—Applicant proposes to tack this authority with its other authority in certificates MC 71772 and MC 71772 (Sub-2).

MC 69993 (Sub-19F), filed November 2, 1979. Applicant: HIGHWAY PIPELINE TRUCKING CO., a corporation, P.O. Box 1517, Edinburg, TX 78539. Representative: Kenneth R. Hoffman, 801 Vaughn Blvd., Austin, TX 78701. Transporting (1) petroleum, petroleum products, vehicle body sealer, and sound deadener compounds (except in bulk, in tank vehicles), and filters, from points in Warren County, MS to points in AL, AK, FL, GA, LA, and TX; and (2) petroleum, petroleum products, vehicle body sealer, sound deadener compounds, filters, and materials, supplies, and equipment used in the manufacture, sale, and distribution of the commodities in (1) above (except in bulk, in tank vehicles), from points in AL and GA to points in Warren County, MS, restricted in (1) and (2) above to the transportation of traffic originating at or destined to the facilities of Quaker State Oil Refining Corporation in Warren County, MS. (Hearing site: New Orleans, LA or Dallas, TX.)

MC 69992 (Sub-20F), filed November 2, 1979. Applicant: HIGHWAY PIPELINE TRUCKING CO., P.O. Box 1517, Edinburg, TX 78539. Representative: Kenneth R. Hoffman, 801 Vaughn building, Austin, TX 78701. Transporting petroleum, petroleum products, vehicle body sealers, sound deadening compounds, and acoustical control items, in bulk, in tank vehicles, from points in Warren County, MS, to points in AL, AR, FL, GA, LA, and TX, restricted to the transportation of traffic originating at the facilities of Quaker State Oil Refining Corporation in Warren County, MS. (Hearing site: New Orleans, LA or Dallas, TX.)

MC 103993 (Sub-1016F), filed November 6, 1979. Applicant: MORGAN DRIVE-AYAWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda (same address as applicant). Transporting lumber, lumber mill products, wallboard, particleboard, composition board, insulation, piling, posts, poles and construction materials (except commodities in bulk), (1) from the facilities of A.D.E. Lumber and Supply Company at or near Kansas City, MO, to points in KS, and (2) from points in TX, AR, and OK to the facilities of A.D.E. Lumber and Supply Company at or near Kansas City, MO. (Hearing site: Kansas City, MO.)

MC 103993 (Sub-1016F), filed November 6, 1979. Applicant: MORGAN DRIVE-AYAWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda (same address as applicant). Transporting trailers (except those designed to be drawn by passenger automobiles), between points

Note.—Applicant proposes to tack this authority with its other authority in certificates MC 71772 and MC 71772 (Sub-2).
in the United States (including AK but excluding HI). (Hearing site: Philadelphia, PA.)

MC 105813 (Sub-265F), filed November 6, 1979. Applicant: BELFORD TRUCKING CO., INC., 1759 S.W. 12th St., P.O. Box 2009, Ocala, FL 32670. Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. Transporting such merchandise as is dealt in by wholesale or retail food business houses from points in MI to points in AL, FL, GA, MS, NC, SC, and TN. (Hearing site: Detroit, MI.)

MC 105813 (Sub-265F), filed November 6, 1979. Applicant: BELFORD TRUCKING CO., INC., 1759 S.W. 12th St., P.O. Box 2009, Ocala, FL 32670. Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. Transporting (1) frozen foods, from the facilities of Termicold, Inc., at or near Caldwell, in cartons, from the facilities of Keller Industries, Inc., at or near Caldwell, TX, to points in AZ, CA, CO, KS, NM, and OK. (Hearing site: Miami, FL or Washington, DC.)

MC 107012 (Sub-438F), filed September 25, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop [same address as applicant]. Transports (1) Such commodities as are dealt in by discount and variety stores (except foodstuffs, furniture, and commodities in bulk), and (2) foodstuffs in mixed loads with the commodities in (1) above, from the facilities of Chicago Shippers Association and U.S. Packing and Shipping Co., at or near Caldwell, TX, and Charlotte, NC, to points in FL, GA, IL, IN, KS, LA, MI, NC, SC, and TN. (Hearing site: New York, NY or Washington, DC.)

MC 107012 (Sub-461F), filed November 6, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Stephen C. Clifford [same as applicant]. Transports paper cups, plates, and dishes, and paper and plastic drinking straws, from the facilities of Sweetheart Cup, Division of Maryland Cup Corporation, at or near Baltimore, MD to the facilities of Sweetheart Cup, Division of Maryland Cup Corporation, at or near Chicago. (Hearing site: Baltimore, MD or Washington, DC.)

Note.—Common control may be involved.

MC 107012 (Sub-462F), filed November 6, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Bruce W. Boyarko [same address as applicant]. Transports (1) stereo speakers and stereo components with cabinets, from the facilities of Winona Industries, Inc., at or near Moline, IL, Phoenix, AZ, Denver, CO, Oklahoma City, OK, and Richmond, VA, and points in CA, NC and SC, and (2) furniture, from the facilities of Winona Industries, Inc., at or near Winona, MN, to Denver, CO, and Oklahoma City, OK. (Hearing site: Minneapolis, MN or Chicago, IL.)

Note.—Common control may be involved.

MC 107403 (Sub-1284F), filed November 5, 1979. Applicant: MLAKES, INC., Ten West Baltimore Avenue, Landowne, PA 19050. Representative: Martin C. Hynes, Jr. [same address as applicant]. Transports anhydrous ammonia, in bulk, in tank vehicles, from Grand Forks and Velva, ND, and Glenwood and Pine Bend, MN, to points in MN, ND, and MT. (Hearing site: Washington, DC.)

MC 107403 (Sub-1303F), filed November 27, 1979. Applicant: MLAKES, INC., Ten West Baltimore Avenue, Landowne, PA 19050. Representative: Martin C. Hynes, Jr. [same address as applicant]. Transporting liquid chemicals, in bulk, in tank vehicles, from the facilities of United States Steel Corporation at Neville Island, PA to points in CT, DE, MD, NJ, NY, RI and DC. (Hearing site: Washington, DC.)

MC 106393 (Sub-11F), filed September 11, 1979. Applicant: H. R. HILL, Box 675, 2007 West Shawnee, Muskogee, OK 74401. Representative: Max C. Morgan, P.O. Box 1540, Enid, OK 73704. To operate as a contract carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting plastic articles and such equipment, materials, and supplies as are used in the manufacture and distribution of the commodities named above (except commodities in bulk, and those which because of size or weight require the use of special equipment), between the facilities of Fort Howard Paper Company at or near Muskogee, OK, on the one hand, and, on the other, points in AR, CO, IL, KS, LA, MO, NE, NM, OK, TX, and WI, under continuing contract(s) with Fort Howard Paper Company, of Muskogee, OK. (Hearing site: Washington, DC or Tulsa, OK.)

MC 110393 (Sub-38F), filed November 27, 1979. Applicant: GEM TRANSPORT, INC., 30 Wall Street, Jefferson, NY 10011. Representative: Ruby Yessin, P.O. Drawer B, Frankfort, KY 40602. Transports meats packinghouse products and commodities used by packinghouses as described in Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 293 and 786 (except hides and commodities in bulk) between the facilities of Lauridsen Foods, Inc., at or near Britt, IA and the facilities of Armour and Company at Mason City, IA on the one hand, and, on the other, those points in the US in and east of ND, SD, NE, KS, OK, AR and LA, under a continuing contract(s) with Armour and Company, of Phoenix, AZ. (Hearing site: Louisville, KY or Washington, DC.)

MC 110583 (Sub-303F), filed September 10, 1979. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, State Route 61, Sidney, OH 45365. Representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, IL 60602. Transporting frozen foods, from the facilities of (a) Empire Freezers of Syracuse, Inc., at or near Syracuse, NY, and (b) General Foods Corporation, at Avon and Fulton, NY, to points in IL, IN, IA, MI, MN, and OH. (Hearing site: New York, NY or Washington, DC.)

MC 110583 (Sub-306F), filed November 6, 1979. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, State...
Route 29 N., Sidney, OH 45365.
Representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, IL 60602. Transporting cheese and cheese products, from the facilities of Leprino Foods Company at Horseheads and Waverly, NY, to points in FL, GA, IL, IN, KS, MD, MN, MO, NC, OH, PA, SC, TN, TX, VA and WI. (Hearing site: Denver, CO, or Washington, DC.)

MC 110593 (Sub-309F), filed November 6, 1979. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, State Route 29 N., Sidney, OH 45365.
Representative: Mr. Joseph M. Scanlan, 111 West Washington Street, Chicago, IL 60602. Transporting petroleum and petroleum products, vehicle body sealer, and sound deadener compounds, (except in bulk), and filters, from Buffalo and North Tonawanda, NY, North Warren, Kimberton, Emlenton, New Kensington, Farmers Valley, and Bakerstown, PA, Kansas City, KS, and Congo and St. Marys, WV, to points in the United States (except AK and HI). (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 111812 (Sub-700F), filed November 3, 1979. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Lamoyne Brandama (same address as applicant). Transporting (1) meats, meat products, meat byproducts, and articles distributed by meat packing houses, as described in Sections A and C of Appendix I to the report in Description in Motor Carrier Certificates, 61 M.C.C. 200 and 768 (except hides and commodities in bulk); (2) foodstuffs, when transported in mixed loads with the commodities in (1), from the facilities of Oscar Meyer & Co., Inc. at (A) Beardstown, IL, to points in AL, AZ, CA, CT, D.C., ME, MD, MA, MT, NV, NH, NJ, NM, NY, NC, OR, PA, RI, SC, TN, UT, VT, VA, WA, WV, and WY, and Madison, WI, to points in AL, AZ, CT, DE, DC, FL, GA, ME, MD, MA, NH, NJ, NM, NY, NC, PA, RI, SC, TN, VT, VA, WV, and WY, (C) Davenport, Des Moines, and Perry, IA, to points in AL, AZ, NM, NC, SC, TN, and WY, and (D) Sierman, TX, to points in the United States (except AL, AZ, AR, CO, IA, LA, MS, NM, and OK); and (3) Foodstuffs, when transported in mixed loads with meats (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from Des Moines and Perry, IA, to points in CA, CT, DE, DC, ID, ME, MD, MA, MT, NV, NH, NJ, NY, OR, PA, RI, UT, VT, VA, WA, and WV, restricted in (1), (2), and (3), above to the transportation of traffic originating at the facilities of Oscar Meyer & Co., Inc. and destined to the named destination States. (Hearing site: Madison, WI)

MC 111812 (Sub-701F), filed November 20, 1979. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: R. H. Jinks, P.O. Box 1233, Sioux Falls, SD 57101. Transporting: foodstuffs, (1) between Hermiston, OR, on the one hand, and, on the other, points in AZ, CA, UT and WA; and (2) between Aberdeen, Caldwell, Burley, Heyburn and Idaho Falls, ID, on the one-hand, and, on the other, points in AZ, CA, OR, UT, and WA; restricted to the transportation of traffic originating at or destined to the facilities of the J. R. Simplot Company. (Hearing site: Portland, OR, or Seattle, WA.)

MC 112713 (Sub-200F), filed November 5, 1979. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Overland Park, KS 66207. Representative: John M. Records (same address as applicant). Transporting automobile parts and accessories, between San Antonio, TX, and Laredo, TX, over Interstate Hwy 35, serving no intermediate points. (Hearing site: Detroit, MI, or Washington, DC.)

Note.—Common control may be involved.

MC 113362 (Sub-387F), filed September 4, 1979. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Representative: Milton D. Adams, 1105 1/2 Eighth Ave., NE, P.O. Box 429, Austin, MN 55912. Transporting confectionery and cough drops, from the facilities of Luden, Inc.; at Reading, PA, to points in IL, IN, KY, MO, MI, MN, OH, and WI, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Washington, DC or Harrisburg, PA.)

MC 113362 (Sub-375F), filed November 6, 1979. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Representative: Milton D. Adams, 1105 1/2 Eighth Ave., NE, P.O. Box 429, Austin, MN 55912. Transporting foodstuffs (except in bulk), from the facilities of Sanna, Division of Beatrice Foods Co., at Menomonee, Cameron, Vesper, Wisconsin Rapids, and Eau Claire, WI, to points in the United States in and east of ND, SD, NE, KS, OK, and TX, restricted to the transportation of traffic originating at the above-named origins and destined to the above destination. (Hearing site: Minneapolis, MN, or Chicago, IL.)


MC 114632 (Sub-236F), filed November 12, 1979. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: David E. Peterson, P.O. Box 287, Madison, SD 57042. Transporting: Iron and steel articles, and materials, equipment and supplies used in the manufacture and distribution of trailers, between Elk Point, SD and Sioux City, IA, on the one hand, and, on the other, points in OH, PA, KS, NE, MI, IN, MO, MN, IL, IA, LA, TX, and WI. (Hearing sites: Sioux Falls, SD or Minneapolis, MN.)

Note.—Dual operations may be involved.

MC 114632 (Sub-266F), filed November 12, 1979. Applicant: ALL LINE, INC., P.O. Box 287, Madison, SD 57042. Representative: David E. Peterson, P.O. Box 287, Madison, SD 57042. Transporting: Foodstuffs between the facilities of Louisville Freezer Center at Louisville, KY on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, CO and MN. (Hearing site: Louisville, KY, or Minneapolis, MN.)

Note.—Dual operations may be involved.

MC 115093 (Sub-19F), filed September 14, 1979. Applicant: MERCURY MOTOR EXPRESS, INC., 2311 North Grady Avenue, Tampa, FL 33607. Representative: William D. Favell (same address as applicant). Transporting general commodities (except articles of unusual value, CIC goods, explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment) between Savannah, GA and Jacksonville, FL, on the one hand, and, on the other, points in GA, SC, AL and TN; and between Charleston, SC, on the one hand, and, on the other, points in GA, SC, and AL, restricted to the transportation of shipments having a prior or subsequent movement by water. (Hearing site: Jacksonville, FL.)

MC 115162 (Sub-511F), filed November 2, 1979. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36061. Representative: Robert E. Tato, (same address as applicant). Transporting fuel wood and compressed logs from Pocahontas, AK, and Memphis, TN, to points in the United States in and east of ND, SD, NE, KS, OK and TX. (Hearing site: Memphis, TN, or Birmingham, AL.)
Williamson, East Williamson, Marion, Newark, Oak Corners, Sterling, Dundee, Hiramrod, and Penn Yan, NY, to New York, NY and points in NJ, those in PA on and east of U.S. Hwy 15, and Suffolk, Westchester and Rockland Counties, NY. (2) Hiramrod, Sterling, Dundee, and Penn Yan, NY to points in IL, IN, IA, KY, MD, MI, MO, NE, OH, and WI, restricted in [1] and [2] above to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Buffalo, NY or Washington, DC.)

MC 117572 (Sub-8F), filed November 5, 1979. Applicant: GROWERS COLD STORAGE CO., INC., Route 279, Waterport, NY 14571. Representative: William J. Hirsch, Suite 1125, 43 Court St., Buffalo, NY 14202. Transporting frozen foods, (a) from Fulton and Syracuse, NY, to points in OH on and east of U.S. Hwy 75 and points in PA, and (b) from Cleveland and Columbus, OH, to Buffalo, Elmira Heights, Jamestown, Liverpool, Rochester, Syracuse, Utica, and Erie PA. (Hearing site: Buffalo, NY.)

MC 119493 (Sub-333F), filed November 23, 1979. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone, Traffic Manager (same as above). Transporting lumber, wood products, and materials and supplies used in the processing and distribution of lumber and wood products (except commodities in bulk) between Points in AR, on the one hand, and on the other, points in AL and MO. (Hearing site: Little Rock, AR or Fort Smith, AR.)

MC 123872 (Sub-114F), filed November 6, 1979. Applicant: W & L MOTOR LINES, INC., P.O. Box 347, Hickory, NC 28601. Representative: Allen E. Bowman (same address as applicant). Transporting meats, meat products, meat-by-products and articles distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 239 and 768 (except hides and commodities in bulk), from the facilities of Iowa Beef Processors, Inc., at or near Emporia and Wichita, KS, to points in FL, GA, NC, SC, TN and VA. (Hearing site: Washington, DC or Sioux City, IA.)

Note.—Dual operations may be involved.

MC 123993 (Sub-66F), filed November 23, 1979. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, LA 70326. Representative: Austin L. Hatchell, 801 Vaughn Bldg., Austin, TX 78701. Transporting: (1) Malt beverages; and (2) materials, supplies and equipment used in the manufacturing, and distribution of malt beverages between Ft. Worth, TX, on the one hand, and, on the other, points in AR. Hearing sites: Little Rock, AR or Dallas, TX.

Note.—Dual operations may be involved.

MC 124423 (Sub-9F), filed November 19, 1979. Applicant: JET MESSENGER SERVICE, INC., P.O. Box 99, Metuchen, NJ 08840. Representative: W. C. Mitchell, 370 Lexington Ave., New York, NY 10017. Transporting (1) plastic plumbing fixtures, and accessories, and (2) supplies and equipment used in the manufacture and distribution of the commodities in (1) above from Pisacatway, NJ to points in CT, DE, MD, NY, PA and RI. (Hearing site: Newark, NJ.)

MC 124433 (Sub-351F), filed November 6, 1979. Applicant: F-B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). Transporting power tools and accessories for power tools, (except commodities the transportation of which requires the use of special equipment) from Reno, NV, to points in the United States (except AK and HI), restricted to the transportation of traffic originating at the facilities of Rockwell International Power Tool Division, at Reno, NV. (Hearing site: San Francisco, CA.)

Note.—Common control may be involved.

MC 124692 (Sub-306F), filed September 4, 1979. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Miscoula, MT 59806. Representative: J. David Douglas (same address as applicant). Transporting (1)(a) machinery and tractor cabs, and (b) parts and accessories for the commodities in (1)(a) above, (2) bale trailers, two-wheel travel trailers, bean roasters, wood splitters, tractor fenders, and cab mates and (3) equipment, materials, and supplies used by fur farmers and fur ranches, from points in Mocker County, MN, to those points in...
the United States in and west of ND, SD, KS, NE, OK, TX, and LA (except AK and HI). (Hearing site: St. Paul, MN.)

MC 125433 (Sub-354F), filed November 13, 1979. Applicant: F-B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant).

Transporting commodities, the transportation of which because of size or weight requires the use of special equipment between the facilities of Oxford Construction Company at or near Marion, IL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: St. Louis, MO.)


MC 125433 (Sub-356F), filed November 2, 1979. Applicant: F-B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). Transporting (1) garage door operators, and (2) parts and accessories for garage door operators; (except in bulk), from Nogales, AZ, and Alisp, IL, to points in the United States (except AK and HI), restricted to the transportation of traffic originating at the facilities of Chamberlain Manufacturing Company. (Hearing site: Chicago, IL.)

Note.—Common control may be involved.

MC 126822 (Sub-72F), filed November 5, 1979. Applicant: WESTPORT TRUCKING COMPANY, 15550 South 169 Highway, Olathe, KS 66061. Representative: Kenneth E. Smith (same address as applicant). Transporting (1) plastic, plastic articles, plastic pipe, tubing, fittings and connections, and (2) materials, supplies and accessories, used in the manufacture and installation of the foregoing commodities (except in bulk, in tank vehicles) between points in the United States (except in AK and HI), of restricted to the transportation of traffic originating at or destined to the facilities of Robintech, Inc. (Hearing site: Ft. Worth, TX.)

MC 127042 (Sub-278F), filed September 4, 1979. Applicant: HAGEN, INC., P.O. Box 99-Leeds Station, Sioux City, IA 51108. Representative: Joseph B. Davis (same address as applicant). Transporting carcass beef, from Coffeyville, KS, to points in WI. (Hearing site: Kansas City, KS.)

MC 127042 (Sub-291F), filed November 12, 1979. Applicant: HAGEN, INC., P.O. Box 99-Leeds Station, Sioux City, IA 51108. Representative: Joseph B. Davis, Director of Traffic, (same as applicant). Transporting meats, meat products and meat by-products, and articles distributed by meat packing houses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 786 (except hides and except commodities in bulk), from the facilities of Corban, (same as applicant), at (1) Osage, IL, and (2) Davenport, IA to points in AZ, CA, NE, NV, NM, and TX. (Hearing site: Moline, IL.)

MC 128273 (Sub-376F), filed November 2, 1979. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban (same address as applicant). Transporting such commodities as are used or dealt in by manufacturers or distributors of cleansing or purifying products (except commodities in bulk, in tank vehicles, and commodities the transportation of which because of size or weight requires the use of special equipment) between the facilities of Blue Cross Laboratories at or near North Hollywood, CA, on the one hand, and, on the other, points in the United States (except AK, CA, and HI), restricted to the transportation of traffic originating at or destined to the facilities of Blue Cross Laboratories. (Hearing site: Los Angeles, CA or Washington, DC.)

MC 129032 (Sub-117F), filed November 2, 1979. Applicant: TOM INMAN TRUCKING, INC., 5556 South 129th East Avenue, Tulsa, OK 74121. Representative: David R. Worthington (same address as applicant). Transporting canned and preserved foodstuffs, from the facilities of Heinz USA at or near Iowa City and Muscatine, IA, to the facilities of Heinz USA at Stockton and Tracy, CA, restricted to the transportation of traffic originating at the named origins and destined to the named destinations. (Hearing site: Pittsburgh, PA, or Chicago, IL.)

MC 129613 (Sub-20F), filed November 8, 1979. Applicant: ARTHUR H. FULTON, INC., P.O. Box 86, Stephens City, VA 22855. Representative: Dixie C. Newhouse, 1229 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, MD 21740. Transporting plastic articles, (1) from Beech Island and Spartanburg, SC, to points in FL, GA, VA, NC, SC; and (2) from Franklin Park, IL, to Detroit, MI, and (3) from Winchester, VA, to points in MI, VA, PA, WV, OH, MD, NY, MA, CT and RI, under a continuing contract(s) with Amoco Chemicals Corporation, of Chicago, IL. (Hearing site: Chicago, IL.)

Note.—Dual operations may be involved.

MC 130343 (Sub-188F), filed November 1, 1979. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, PA 17108. Transporting (1) highway marking strip glass, ballottini, and (2) materials, equipment and supplies used in the manufacture and sale of the commodities named in (1) above (except commodities in bulk, in tank vehicles), between the facilities of Potters Industries, Inc., at or near (a) Apex, NC; (b) Potsdam, NY; (c) Cleveland, OH; (d) Brownwood (Brown County), TX; and (e) Carlsbad, NJ, on the one hand, and, on the other, points in TX and those points in the US in and east of MN, IA, MO, AR, and LA. (Hearing site: New York, NY or Philadelphia, PA.)

Note.—Dual operations may be involved.

MC 139973 (Sub-80F), filed November 9, 1979. Applicant: J. H. WARE TRUCKING, INC., P.O. Box 393, Fulton, MO 65251. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Transporting paint, varnish, paint and varnish removers, stain, grout, adhesives, paste, plaster, cleaning compounds, masonry cement, glazing compounds, roofing cement, and caulking compounds from Scranton, PA, to Lincoln, IL. (Hearing site: Philadelphia, PA.)

MC 141443 (Sub-51F), filed November 21, 1979. Applicant: JOHN LONG TRUCKING, INC., 1050 East Denton, Sapulpa, OK 74066. Representative: William L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting: canned goods, from points in OR to Oklahoma City, OK. (Hearing site: Oklahoma City, OK.)

Note.—Dual operations may be involved.
Transporting: frozen berries from the facilities of Theresa Friedman & Sons, Inc., at Philadelphia, PA to Jacksonville and Miami, FL. Under a continuing contract(s) with Theresa Friedman & Sons, Inc. of Philadelphia, PA. (Hearing site: Washington, D.C., or Miami, FL.)

**Transporting:**
- Graneloged slag and copper residue, in bulk, in dump vehicles, from Alton, Grants City and Hartford, IL, to Joplin, MO. (Hearing site: St. Louis or Jefferson City, MO.)
- Groceries and food business houses, in bulk, by motor vehicle, in interstate or foreign commerce, over irregular routes, between the facilities of Ralston Purina Company at or near Waukesha, WI, on the one hand, and, on the other, points in the U.S. in and east of MN, IA, AR, and LA, under a continuing contract(s) with RTE Corporation, of Waukesha, WI. (Hearing site: Washington, D.C.)

**Note:** Dual operations may be involved.

**Applicant:** YOUNGBLOOD TRUCK LINES, INC., P.O. Box 1948, Fletcher, NC 28732. Representative: Charles Ephraim, Suite 900, 1230 Connecticut Ave., NW., Washington, DC 20030. To operate as a contract carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) electrical distribution transformers, and parts, and (2) materials, equipment and supplies used in the manufacture of the commodities in (1) above, between the facilities of RTE Corporation at or near Waukesha, WI, on the one hand, and, on the other, points in the U.S. in and east of MN, IA, AR, and LA, under a continuing contract(s) with RTE Corporation, of Waukesha, WI. (Hearing site: Washington, D.C.)
toilet articles, from the facilities of Bristol-Myers Company, and its
subsidiaries Clairol, Inc., Drackett
Consumer Products Company, Monarch Crown Corporation, and
Westwood Pharmaceuticals, Inc., at
Dallas, TX, to points in LA. (Hearing
site: Dallas, TX, or Washington, DC.)

MC 144622 (Sub-12F), filed November 23, 1979. Applicant: GLENN BROS.
TRUCKING, INC., P.O. Box 9343, Little
Rock, AR 72219. Representative: Phillip
G. Glenn [same address as applicant];
and Applicant’s attorney: Robert D.
Givold, 1000 First National Bank Bldg.,
Minneapolis, MN 55402. Transporting:
Charcoal, charcoal briquettes, hickory
chips, lighter fluid, and materials and
supplies used in the manufacture of
charcoal. From Branson, MO; Dickinson,
ND; Pachuta, MS; Waupaca, WI to
points in AL, AZ, CA, CO, GA, IA, IL,
IN, KY, LA, MI, MN, MT, MO, MS, NC,
NY, OH, OK, PA, SC, SD, TN, TX, VA,
WI and WV. (Hearing site: Atlanta, GA,
or Washington, DC.)

Note—Dual operations may be involved.

MC 144622 (Sub-12F), filed November 23, 1979. Applicant: GLENN BROS.
TRUCKING, INC., P.O. Box 9343, Little
Rock, AR 72219. Representative: Phillip
G. Glenn [same address as applicant];
and Applicant’s attorney: Robert D.
Givold, 1000 First National Bank Bldg.,
Minneapolis, MN 55402. Transporting:
Charcoal, charcoal briquettes, hickory
chips, lighter fluid, and materials and
supplies used in the manufacture of
charcoal. From Branson, MO; Dickinson,
ND; Pachuta, MS; Waupaca, WI to
points in AL, AZ, CA, CO, GA, IA, IL,
IN, KY, LA, MI, MN, MT, MO, MS, NC,
NY, OH, OK, PA, SC, SD, TN, TX, VA,
WI and WV. (Hearing site: Atlanta, GA,
or Washington, DC.)

Note—Dual operations may be involved.

MC 144643 (Sub-9F), filed November 5,
1979. Applicant: VINGI BROTHERS
TRUCKING, Inc., 2845 Oakdale Avenue,
Johnston, RI 02919. Representative:
Joseph R. Vingi, 28 Oakdale Avenue,
Johnston, RI 02919. Transporting:
Clay, in bags, from the plantsite of Waverly Mineral Products
Company, at or near Quality, GA to
points in PA, DE, NJ, NY, ME, NH, VT,
MA, CT and RI. Under a continuing contract(s) with Waverly Mineral
Products Company, Philadelphia, PA.
(Hearing site: Washington, DC.)

MC 144492 (Sub-6F), filed November 7,
1979. Applicant: CLIFFORD L. RIGGINS
d.b.a. RIGGINS TRUCKING, 1004 West
Maple Street, Springfield, AR 72764.
Representative: Nancy Pyeatt, 815 15th
St. N.W., Washington, DC 20005.
Transporting alcoholic beverages
(except in bulk), (1) from New York, NY,
to points in CA, AZ, and NV; and (2)
from points in CA to New York, NY.
(Hearing site: New York, NY, or
Washington, DC.)

MC 144483 (Sub-7F), filed November 13,
1979. Applicant: EARL MOORE,
d.b.a. S & M MARKETING, 1133 Ches
drive, P.O. Box 4020, Foster City, CA
94404. Representative; James T. Proctor,
P.O. Box 668, Mountain View, CA 94042.
Transporting bananas in vehicles
equipped with mechanical refrigeration,
from Wilmington and Long Beach, CA,
to points in AZ, CA, CO, ID, MT, NV,
NM, OR, TX, UT, WA, and WY. (Hearing
site: San Francisco, CA.)

MC 144493 (Sub-6F), filed September 21,
1979. Applicant: MULLEN
TRUCKING, LTD., 6294-A Burbank
Road, S.E., Calgary, Alberta, Canada
T2H 2C2. Representative: John T. Wirth,
717 17th Street, Suite 2600, Denver, CO
80202. Transporting, in foreign
commerce only, lignite coal, barite and
drilling mud additives, (except in bulk),
between points in UT, on the one hand,
and, on the other, ports of entry on the
international boundary between the
United States and Mexico. (Hearing
site: Denver, CO.)

MC 145072 (Sub-31F), filed November 5,
1979. Applicant: M.S. CARRIERS,
INC., 7372 Eastern Avenue,
Germantown, TN 38138. Representative:
A. Doyle Cloud, Jr., 2008 Clark Tower,
5100 Poplar Avenue, Memphis, TN
38137. Transporting (1) paper and textile
bags from Memphis, TN, to points in AL,
AR, FL, GA, IL, IN, KS, KY, LA, MI,
MO, MS, NM, NC, OH, OK, SC, TX and
VA, and (2) materials, equipment, and
supplies (except commodities in bulk)
utilized in the manufacture, processing,
or distribution of the above-named
commodities from points in AL, AR,
GA, LA, MS, SC, TX and VA to
Flinestone, GA, Sunner, SC and
Memphis, TN; restricted in (1) and (2)
above to traffic originating at or destined to the facilities of
McDowell Industries, Inc. (Hearing
site: Memphis, TN.)

MC 145072 (Sub-33F), filed November 5,
1979. Applicant: M.S. CARRIERS,
INC., 7372 Eastern Avenue,
Germantown, TN 38138. Representative:
A. Doyle Cloud, Jr., 2008 Clark Tower,
5100 Poplar Avenue, Memphis, TN
38137. Transporting (1) paper and textile
bags from Memphis, TN, to points in AL,
AR, FL, GA, IL, IN, KS, KY, LA, MI,
MO, MS, NM, NC, OH, OK, SC, TX and
VA, and (2) materials, equipment, and
supplies (except commodities in bulk)
utilized in the manufacture, processing,
or distribution of the above-named
commodities from points in AL, AR,
GA, LA, MS, SC, TX and VA to
Flinestone, GA, Sunner, SC and
Memphis, TN; restricted in (1) and (2)
above to traffic originating at or destined to the facilities of
McDowell Industries, Inc. (Hearing
site: Memphis, TN.)

MC 145072 (Sub-34F), filed November 2,
1979. Applicant: M.S. CARRIERS,
INC., 7372 Eastern Avenue, Memphis,
TN 38138. Representative: Michael S.
Starnes [same address as applicant].
Transporting (1) such merchandise as is
dealt in by wholesale, retail, chain
grocery and food business houses and
agricultural feed business houses, soy
products, pastes, flour products, dairy
based products, and (2) materials,
ingredients, equipment and supplies
used in the development, manufacture,
distribution and sale of the items in (1)
above (except commodities in bulk),
between the facilities of Ralston Purina
Company at or near Oklahoma City, OK,
and points in AR, LA, MS, TN, and TX.
(Hearing site: Memphis, TN.)

MC 145072 (Sub-35F), filed November 6,
1979. Applicant: M.S. CARRIERS,
INC., 7372 Eastern Ave., Germantown,
TN 38138. Representative: A. Doyle
Cloud, Jr., 2008 Clark Tower, 5100 Poplar
Avenue, Memphis, TN 38138. Transporting
tubes, tires, wheels, rims, caps,
lugnuts, and materials, equipment and
supplies (except in bulk) used in the
manufacture of the foregoing
commodities between Memphis, TN,
and Des Moines, IA, on the one hand,
and, on the other, points in IA, IL, IN,
MI, MN, NJ, NY, OH, PA, WI, and
WV. (Hearing site: Memphis, TN.)

MC 145152 (Sub-19F), filed November 5,
1979. Applicant: BIG THREE
TRANSPORTATION, INC., Post Office
Box 700, Springdale, AR 72704.
Representative: Don Garrison, Post
Office Box 1065, Fayetteville, AR 72701.
Transporting chemicals, and materials,
equipment and supplies used in the
manufacture and distribution of
chemicals (except in bulk) from the
facilities of National Starch and
Chemical Corporation at or near
Meredosia, IL, to points in AZ, CA,
CT, DE, MD, MA, ME, NH, NY, PA, RI,
VA and VT. (Hearing site: Bridgewater,
NJ, or Fayetteville, AR.)

MC 145152 (Sub-135F), filed November 5,
1979. Applicant: BIG THREE
TRANSPORTATION, INC., Post Office
Box 700, Springdale, AR 72704.
Representative: Don Garrison, Post
Office Box 1065, Fayetteville, AR 72701.
Transporting petroleum products
(except in bulk), from Toledo, OH, to the
facilities of Siegel Oil Company at or
near Denver, CO. (Hearing site: Denver,
CO, or Fayetteville, AR.)

MC 145152 (Sub-136F), filed November 6,
1979. Applicant: BIG THREE
TRANSPORTATION, INC., Post Office
Box 700, Springdale, AR 72704.
Representative: Kent L. Tharel, 103
North College, P.O. Box 334,
Fayetteville, AR 72701. Transporting:
meats, meat products, meat by-products
and articles distributed by meat-packing
houses, as described in sections
A and C of Appendix I to the report in
Descriptions in Motor Carrier
Certificates, 61 M. C. C. 209 and 765
(except hides and commodities in bulk),
from the facilities of Del Pero-Mondon
Meat Co., of Arkansas, at or near
Booneville, AR, to points in the United
States (except AK and HI), and from points in the United States (except AK and HI) to the facilities of Del Pero-Mondan Meat Co., at or near Boonville, AR. (Hearing site: Wichita, KS or Washington, DC.)

MC 145152 (Sub-137F), filed November 6, 1979, Applicant: BIG THREE TRANSPORTATION, INC., Post Office Box 7065, Springfield, AR 72762. Representative: Don Garrison, Post Office Box 1065, Fayetteville, AR 72701.

Transporting bread from the facilities of Iverson Baking Company at or near Rogers, AR, to points in IL. (Hearing site: Fayetteville or Little Rock, AR.)

MC 145213 (Sub-5F), filed November 21, 1979, Applicant: DEEP SOUTH TRANSPORTING, INC., Hwy 11 North, P.O. Box 304, Purvis, MS 39475.

Representative: Kent F. Hudson, 232 Main Street, P.O. Box 666, Purvis MS 39475. Transporting lumber from the facilities of Newman Lumber Company, Inc., Gulfport, MS, to points in the KY, IL, IN, IA, MD, MI, MO, NC, NJ, NY, OH, OK, PA, SC, TN, TX, VA, WI, and WV under a continuing contract or contracts with Newman Lumber Company, Inc., of Gulfport, MS. (Hearing site: Hattiesburg, MS, or biloxi, MS.)

MC 145293 (Sub-4F), filed November 19, 1979. Applicant: ART ANDERSON, INC., P.O. Box 138, Oakford, IL 60673. Representative: Edward D. McNamara, Jr., 907 South Fourth Street, Springfield, IL 62703. Transporting liquid feed from the facilities of Ralston Purina Feed Co. at Olin, IA to points in IL, MN, MD, and WI. (Hearing site: Springfield, IL, or St. Louis, MO.)

MC 145912 (Sub-3F), filed November 8, 1979. Applicant: TRUCK SERVICE, INC., 309 Vance St., Forest City, NC 28043. Representative: George W. Clapp, P.O. Box 536, Taylors, SC 29687. Transporting (1) plastic pellets between Forest City, NC, and Leonminster, MA, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, AR, and LA, and (2) materials, equipment, and supplies used in the manufacture and sale of plastic pellets in the reverse direction, under a continuing contract(s) with Polywar Incorporated, of Leominster, MA. (Hearing site: Charlotte, NC, or Washington, DC.)

MC 146222 (Sub-6F), filed September 24, 1979. Applicant: ILCO TRUCKING, INC., P.O. Box 57087, Birmingham, AL 35209. Representative: Marc A. Pearl, 3390 Peachtree Road, N.E. Fifth Floor, Atlanta, GA 30326. To operate as a contract carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting materials, machinery, equipment and supplies used in the manufacture, distribution and sale of iron and steel products and parts, from points in the United States in and east of MT, WY, CO, and NM, to the facilities of American Cast Iron Pipe Company, at or near Birmingham, AL, under a continuing contract(s) with American Cast Iron Pipe Company, of Birmingham, AL. (Hearing site: Birmingham, AL, or Atlanta, GA.)

MC 146293 (Sub-4SF), filed November 29, 1979. Applicant: REGAL TRANSPORTING CO., INC., 65 Lawrenceville Industrial Park Circle NE, Lawrenceville, GA 30045. Representative: Richard M. Tettelbaum, Fifth Floor, Lenox Towers South, 3390 Peachtree Road NE, Atlanta, GA 30328. Transporting (1) carpet tack strips, adhesive cement, rocks, stands, nails, rime, strips, and tools, and (2) materials, equipment and supplies used in the manufacture and distribution and sale (except commodities in bulk), of the commodities in (1) above, between Conyers, GA and Atlanta, NC and points in the US (except AK and HI). (Hearing site: Atlanta, GA.)

Note.—Dual operations may be involved.

Note.—The instant application is, in part, a conversion of a contract carrier permit No. MC 141849, 9-140-1 which authorized the transportation involved commodities from a named plantsite in Conyers, GA.

MC 146293 (Sub-46F), filed November 1, 1979. Applicant: REGAL TRANSPORTING CO., INC., 65 Lawrenceville Industrial Park Circle NE, Lawrenceville, GA 30045. Representative: Richard M. Tettelbaum, Fifth Floor, Lenox Towers South, 3390 Peachtree Road NE, Atlanta, GA 30328. Transporting (1) fluorescent lighting fixtures, and parts and accessories for fluorescent lighting fixtures, and (2) equipment, materials, and supplies used in the manufacture, sale and distribution of the commodities in (1) and (2) above, between the facilities of Lithonia Lighting, Div. of National Service Industries, Inc. at or near Cochran and Conyers, GA, on the one hand, and, on the other, those points in the United States in and east of NY, PA, WV and VA. (Hearing site: Atlanta, GA.)

Note.—Dual operations may be involved.

MC 146843 (Sub-21F), filed November 6, 1979. Applicant: DAVID CREECH TRANSPORTATION SYSTEMS, INCORPORATED, 655 E. 114th Street, Chicago, IL 60626. Representative: Donald B. Levine, 39 S. LaSalle Street, Chicago, IL 60603. Transporting: (1) flour, in bags, from Mankato, MN to points in IL, IN, KY, MO, IA, WI & WI; and (2) animal feed from Louisville, KY and Minneapolis and Mankato, MN to points in IL, KY, MO, OH, PA, WI & MN under a continuing contract(s) with Hubbard Milling Company, of Mankato, MN. (Hearing site: Chicago, IL)

Note.—Dual operations may be involved.

MC 146773 (Sub-5F), filed November 20, 1979. Applicant: SAM YOUNG, INC., P.O. Box 337, Wolcott, IN 46995. Representative: Donald W. Smith, P.O. Box 40268, Indianapolis, IN 46260. Transporting: such commodities as are used, by or dealt in by manufacturers and distributors of sound recordings, except in bulk. (A) From Danbury, CT, New York, NY and points in NJ, to Terre Haute, IN, Carrollton, GA and points in CA. (B) From Terre Haute, IN to Danbury, CT, New York, NY, Carrollton, GA, and points in GA and NJ. (C) From points in CA, Terre Haute, IN, Carrollton, GA, and points in NJ. (D) From Carrollton, GA to Danbury, CT, Terre Haute, IN, and points in CA and NJ. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 147052 (Sub-5F), filed November 5, 1979. Applicant: EXPRESS TRANSPORTATION CO., INC., P.O. Box 796, Chattanooga, TN 37401. Representative: Ralph B. Matthews, Attorney, Watkins & Daniell, P.O. Box 50337, Atlanta, GA 30343. Transporting general commodities (except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk and those requiring the use of special equipment) between points in AL, GA, and TN on the one hand, and, on the other points in IL, IN, MI, MO, and WI, restricted to the transportation of traffic originating at or destined to the facilities of Action Shippers Association Inc. (Hearing site: Chattanooga, TN.)

MC 147333 (Sub-1F), filed November 20, 1979. Applicant: McGEE TRUCKING COMPANY, P.O. Box 297, Bostic, NC 28018. Representative: Judy Baldwin McGee, P.O. Box 297, Bostic, NC 28018. Transporting: furniture, parts from the facilities of G F Business Equipment, Inc., at or near Forest City,
to points in IA and NE. (Hearing site: Omaha, NE.)

Volume No. 63


By the Commission. Review Board.

1. Members Carleton, Joyce and Jones.

MC 41406 (Sub-159F), filed November 23, 1979. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 8400 Westlake Drive, Merrillville, IN 46410. Representative: Wade H. Bourdon (same address as applicant).

Transporting (1) iron and steel articles, from Alliance, OH, East Chicago, and Hammond, IN, Granite City, IL, Hammond, IN, to points in AL, FL, GA, IA, MD, SC, TN, TX, and VA, and (2) materials, equipment and supplies, used in the manufacture of the commodities named in (1) above, in the reverse direction. (Hearing site: Chicago, IL.)

MC 59487 (Sub-32F), filed November 15, 1979. Applicant: SORENSEN TRANSPORTATION COMPANY, INC., Old Amity Road, Bethany, CT 06525. Representative: Thomas W. Murrett, 342 North Main Street, West Hartford, CT 06117. Transporting (1) ice cream, ice products, dairy products, and desserts, and (2) materials and supplies used in the production thereof, from Stratford, CT, to Norfolk and Portsmouth, VA, and (2) concentrated frozen citrus juices, in containers, from Lake Wales, FL, to Menands, NY. (Hearing site: Hartford, CT.)

MC 81396 (Sub-37F), filed November 16, 1979. Applicant: HERMAN BROS., INC., 2565 St. Marys Avenue, P.O. Box 189, Omaha, NE 68101. Representative: Duane L. Stromer (same address as applicant).

Transporting cement, from the facilities of Missouri Portland Cement Company at or near Decatur, AL, to points in MS and TN; (2) Memphis, TN to points in AR and MS; (3) Nashville, TN to points in AL and KY; and (4) Chattanooga, TN to points in AL, FL, GA, NC and SC. (Hearing site: Omaha, NE, or St. Louis, MO.)

Note.—Dual operations may be involved.

MC 93147 (Sub-10F), filed November 14, 1979. Applicant: DELTA TRANSPORT CORPORATION, 644 Union St.—P.O. Box 548, West Springfield, MA 01089. Representative: James M. Burns, 1363 Main St.—Suite 413, Springfield, MA 01103. Transporting (1) plastic, paper articles, sash and doors, (2) materials, equipment and supplies used in the manufacture of the commodities named in (1) above, between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Mobil Chemical Company, Pittsburgh Plate Glass Company, Allplas Distributors, Inc., Stearns Plastic Products, Inc., Equitable Paper Bag Company, Inc., and Perstorp Inc. (Hearing site: Boston, MA, or New York, NY.)

MC 89347 (Sub-12F), filed November 15, 1979. Applicant: DELTA TRANSPORT CORPORATION, 644 Union St.—P.O. Box 548, West Springfield, MA 01089. Representative: James M. Burns, 1363 Main St.—Suite 413, Springfield, MA 01103. Transporting (1) equipment, and (2) materials, equipment and supplies used in the manufacture and distribution of the commodities named in (1) above, in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities ofDallas, TX, to points in IA and NE.

The transportation of traffic originating at or destined to the facilities of Mobil Chemical Company, Pittsburgh Plate Glass Company, Allplas Distributors, Inc., Stearns Plastic Products, Inc., Equitable Paper Bag Company, Inc., and Perstorp Inc. (Hearing site: Boston, MA, or New York, NY.)
motor vehicle, in interstate or foreign commerce, over regular routes, transporting general commodities [except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment], between Lordsburg and Las Cruces, NM, over Interstate Hwy 10, serving the junction of Interstate Hwy 10 and US Hwy 180 as an intermediate point, as an alternate route for operating convenience only. (Hearing site: San Francisco, CA, or Las Cruces, NM.)

MC 98327 (Sub-38F), filed November 19, 1979. Applicant: SYSTEM 99, a corporation, 8291 Edgewater Drive, Oakland, CA 94623. Representative: Ray V. Mitchell (same address as applicant).

To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting general commodities [except those of unusual value, classes A and B explosives, household goods as defined by the Commission, liquid commodities in bulk, and commodities requiring special equipment], between Idaho Falls, ID and junction U.S. Hwy 91 (Interstate Hwy 15) and MT Hwy 324, over U.S. Hwy 91 (Interstate Hwy 15) serving no intermediate points, as an alternate route for operating convenience only. (Hearing site: San Francisco, CA or Idaho Falls, ID.)


MC 102567 (Sub-248F), filed November 17, 1979. Applicant: McNAIR TRANSPORT, INC., 4255 Meadow Lane, P.O. Drawer 5357, Bossier City, LA 71111. Representative: Joe C. Day, 13403 Northwest Fwy., Suite 130, Houston, TX 77040. Transporting liquid chemicals, in bulk, in tank vehicles, from the facilities of Monsanto Company at or near Chocolate Bayou and Texas City, TX, to those points in the United States in and east of LA, AR, MO, IA, and MN. (Hearing site: Houston, TX.)


MC 105007 (Sub-567F), filed November 16, 1979. Applicant: MATSON TRANSPORTING LINES, INC., 1407 St. John Avenue, Albert Lee, MN 55607. Representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting hides, skins and pelts from points in CO, IL, IA, MI, NE and SD to points in Minneapolis, MN. (Hearing site: St. Paul, MN.)

MC 107496 (Sub-1260F), filed November 23, 1979. Applicant: RUIAN TRANSPORT CORPORATION, 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Transporting chemicals, in bulk, (a) from Watertown, WI, to Daventry, AL or Storm Lake, MO, to points in NM, (c) from Cincinnati, OH to St. Louis, MO, (d) from Cedar Rapids, IA, to points in the U.S. (except AK and HI), (e) from Garland, TX to points in KS, OK, and WI, (f) from Casper, WY to points in AZ, CA, NV, NM, OR, and WA. (Hearing site: Chicago, IL or Des Moines, IA.)

MC 107496 (Sub-1251F), filed November 23, 1979. Applicant: RUIAN TRANSPORT CORPORATION, 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Transporting [1] oil, in bulk, (a) from McFarland, WY, to Marshalltown, IA, and (b) from St. Joseph, MO, to points in IN, and [2] alcohol, in bulk, from Rock Port, MO, and Decatur, IL, to points in IA. (Hearing site: Chicago, IL or Des Moines, IA.)

MC 106706 (Sub-154F), filed November 23, 1979. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Ave., NE, Knoxville, TN 37917. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602. Transporting iron and steel articles, between the facilities of Volunteer Structures, Inc., at or near Nashville, TN, on the one hand, and, on the other, points in the US [except AK and HI]. (Hearing site: Nashville, TN.)

MC 112617 (Sub-458), filed November 17, 1979. Applicant: LIQUID TRANSPORTERS, INC., 1292 Fern Valley Road, P.O. Box 21395, Louisville, KY 40221. Representative: Larry W. Thompson (same address as applicant). Transporting petroleum oil and petrochemicals, in bulk, in tank vehicles, from the plantsite of Amoco Chemicals, at Natchez, MS, to the plantsite of Amoco Chemicals, at Wood River, IL. (Hearing site: Louisville, KY or Washington, DC.)

MC 112517 (Sub-459F), filed November 16, 1979. Applicant: LIQUID TRANSPORTERS, INC., 1292 Fern Valley Road, P.O. Box 21395, Louisville, KY 40221. Representative: Larry W. Thompson (same address as applicant). Transporting moriatic acid, in bulk, in tank vehicles, from the plantsite of Carboll Chemicals, at Tuscola, IL, to points in KY, MO, IA, WI, OH, and TN. (Hearing site: Louisville, KY or Washington, DC.)


MC 117786 (Sub-75F), filed November 14, 1979. Applicant: RILEY WHITTLIE, INC., P.O. Box 19038, Phoenix, AZ 85003. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. Transporting [1] paint, paint ingredients, putty, caulking and glazing compounds, adhesive cement and glue, and [2] such commodities as are used in the manufacture, production, and distribution thereof (except in bulk in tanks), between Dayton and Tipp City, OH, Alsip, IL, Baltimore, MD, Boston, MA, Atlanta, GA, Miami, FL, Dallas, TX, and La Mirada and San Jose, CA, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of DAP, Inc. (Hearing site: Phoenix, AZ.)

MC 120737 (Sub-59F), filed: November 19, 1979. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 39, Canton, IL 61520. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Transporting such commodities as are dealt in or used by manufacturers of shopping carts and other material handling carts (except commodities in bulk and those which because of size or weight require the use of special
(cont.)

**Transporting liquid chemicals, in bulk, in tank vehicles, from the facilities of FPG Industries, Inc., at Beaumont, Houston and LaPorte, TX, to points in the United States (except AK and HI).** (Hearing site: Washington, DC.)

**MC 124236 (Sub-103F), filed: November 23, 1979. Applicant: CHEMICAL EXPRESS CARRIERS, INC., 4840 North Central Expressway, Dallas, TX 75205. Representative: Sam Hallman, 4555 First National Bank Building, Dallas, TX 75202. Transporting (1) natural gas, in bulk, in large containers and (2) used household goods (except in bulk) and (3) gasoline and jet fuel, in bulk, from Dallas and Fort Worth, TX, to points in AR and LA. (Hearing site: Dallas, TX.)**

**MC 128776 (Sub-130F), filed November 23, 1979. Applicant: FLORIDA ROCK & TANK LINES, INC., 155 East 21st Street, Jacksonville, FL 32206. Representative: John D. Baker, II, P.O. Box 1559, Jacksonville, FL 32201. Transporting crude zirconia silicate sand, in bulk, from Starke, FL, to points in TX. (Hearing site: Jacksonville, FL.)**

**MC 128997 (Sub-27F), filed: November 16, 1979. Applicant: VALLEY VAN & STORAGE COMPANY, 564 South Western Avenue, Santa Maria, CA 93454. Representative: Alan F. Wohlsteter, 1700 K Street, NW., Washington, DC 20006. Transporting used household goods in containers, having a prior or subsequent movement by water, (1) between Oakland, San Francisco, Los Angeles, Wilmington, and San Diego, CA, on the one hand, and, on the other, points in CA, and (2) between the airports of Norton Air Force Base and Travis Air Force Base, CA, on the one hand, and, on the other points in CA. Condition: Person or persons who appears to be engaged in common control between applicant and another regular carrier must either file an application under 49 U.S.C. 21340(A) of the Interstate Commerce Act, or submit an affidavit indicating why such approval in unnecessary. (Hearing site: Los Angeles, CA.)**

**MC 133966 (Sub-180F), filed November 16, 1979. Applicant: GANGLIFF & DOWNHAM CO., INC., P.O. Box 475, Logansport, IN 46947. Representative: Thomas J. Beemer, One State Street Plaza, New York, NY 10004. Transporting foodstuffs (except in bulk) from St. Elmo, IL, to points in OH, MI, CO, and MN. (Hearing site: New York, NY.)**

**MC 134337 (Sub-81F), filed November 16, 1979. Applicant: BLACKBURN TRUCK LINES, INC., 4898 Branyon Avenue, South Gate, CA 90280. Representative: R. M. Schnegg, 707 Wilshire Boulevard, 1800 United California Bank Building, Los Angeles, CA 90017. Transporting containers and closures from Denver, CO, to points in CA. (Hearing site: Los Angeles, CA.)**

**MC 134477 (Sub-38F), filed November 16, 1979. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: R. H. Hunt, P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant (same address as applicant). Transporting (1) chemicals (except in bulk) and (2) materials, equipment and supplies used in the manufacture and distribution of chemicals (except in bulk) between points in the United States (except in bulk) and (2) between the facilities of or used in the manufacture and distribution of foot wear (except in bulk), between the facilities of or used by the Keda Corporation, at or near (a) Naugatuck, Beacon Falls, and Waterbury, CT, (b) Atlanta, Dublin, and Thomson, GA, (c) Port Clinton, OH, and (d) San Francisco, CA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Lincoln, NE, or Salt Lake City, UT.)**

*Note—Dual operations may be involved.*

**MC 140947 (Sub-5F), filed November 19, 1979. Applicant: CHARLES J. VAUGHN, 561 5th St. North, Havre, MT 59501. Representative: Charles E. Johnson, 418 East Rosser Ave., P.O. Box 1962, Bismarck, ND 58501. Contract carrier, transporting fiberboard or pulpboard boxes, from the facilities of International Paper Co., at Minneapolis, MN, to points in MT, ND, SD, WY, UT, ID, WA, and OR under continuing contract(s) with Masonite Corporation of Minneapolis, MN. (Hearing site: Minneapolis, MN, or Billings, MT.)**

**MC 141197 (Sub-42F), filed November 19, 1979. Applicant: FLEMING-BABCOCK, INC., 4106 Mattox Road, Riverside, MD 21501. Representative: Tom B. Kretsinger, 20 East Franklin, Johnson, 418 East Rosser Ave., P.O. Box 22567, Jackson, MS 39205. Contract carrier, transporting lumber from the facilities of Masonite Corporation at or near (a) Crosby, Hermanville, Hattiesburg, Wiggins, Laurel, and Quitman, MS, and (b) Malvin, AL, to points in MS, AL, GA, FL, LA, TN, KY, TX, AR, MO, NE, IA, OK, KS, IL, IN, OH, PA, WI, MI and MN, under continuing contract(s) with Masonite Corporation of Jackson, MS. (Hearing site: Jackson, MS.)**

TRANSPORTATION CO., INC., Route 2, Box 107–B, Hope, AR 71810.
Representative: Mark J. Andrews, Suite 1100, 1600 I Street, N.W., Washington, DC 20036. Such commodities as are dealt in by retail greeting card stores and equipment, materials and supplies used in the manufacture or distribution thereof (except commodities in bulk), (1) from the facilities of American Greetings Corp. at or near Corbin, KY, to the facilities of American Greetings Corp. at or near Mccoy and Osceola, AR, and (2) from the facilities of American Greetings Corp. at or near Osceola, AR, and Ripley, TN, to the facilities of American Greetings Corp. at or near Cleveland, OH, under continuing contract(s) with American Greetings Corp., of Cleveland, OH. (Hearing site: Cleveland, OH, or Washington, DC.)

MC 143287 (Sub-93F), filed November 15, 1973. Applicant: RAYMOND R. WITTROCK, INC., P.O. Box 82028, Lincoln, NE 68501. Contract carrier, transporting cranes and crane equipment, from Houston, TX, and Portland, OR, to points in LA and TX, under a continuing contract(s) with Cranes of Houston, Inc., of Houston, TX. (Hearing site: Houston, TX.)

MC 143417 (Sub-6F), filed November 27, 1973. Applicant: FLASH INTERSTATE DELIVERY SYSTEM, INC., 4711 West 16th Street, Cicero, IL 60655. Representative: Barry Roberts, 888 17th Street, N.W., Washington, DC 20006. Transporting canned goods, from Jessup, MD, and Secaucus, Newark, and Port Elizabeth, NJ, to points in PA, OH, MI, IN, and IL. (Hearing site: Chicago, IL.)

MC 143607 (Sub-20F), filed November 12, 1979. Applicant: BAYWOOD TRANSPORT, INC., Route 6, P.O. Box 2611, Waco, TX 76706. Representative: E. STEPHEN HEISLEY, 805 McLachlan Bank Building, 666 Eleventh Street, NW, Washington, DC 20001. To operate as a contract carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting plastics and resins (except in bulk), from Pineville, NC, to Cleburne, TX, under a continuing contract(s) with Rubbermaid Commercial Products, of Cleburne, TX. (Hearing site: Dallas, TX.)

Note.—Dual operations may be involved.

MC 143655 (Sub-4F), filed November 20, 1979. Applicant: GOLDFEAF TRUCKING COMPANY, a corporation, 2927 Retag Road, Petersburg, VA 23803. Representative: William H. Robinson, Jr., 1400 Ross Building, Richmond, VA 23219. Contract carrier, transporting lumber from Petersburg, Richmond, Suffolk, Lawrenceville, and Stony Creek, VA, to points in MD, DE, PA, NJ, and DC, under continuing contract(s) with Payne & Gunderson Lumber Company, of Petersburg, VA. (Hearing site: Richmond or Norfolk, VA.)

Note.—Dual operations may be involved.

MC 143897 (Sub-2F), filed November 6, 1979. Applicant: LOOMIS ARMORED CAR SERVICE, LTD., 3057 Grandview Highway, Vancouver, B.C, Canada V5M 2B4. Representative: George H. Hart, 1100 IBM Building, Seattle, WA 98101. Contract carrier, transporting bonds, securities and bullion between ports of entry on the U.S.-Canada international boundary line in ND and MN, on the one hand, and, on the other, points in ND and MN, restricted to traffic moving in Foreign commerce, under continuing contracts, with banks and banking institutions. (Hearing site: Seattle, WA.)

MC 143928 (Sub-3F), filed November 2, 1979. Applicant: CONSOLIDATED CARRIERS CORPORATION, P.O. Box 5624, Charlotte, NC 28212. Representative: Robert B. Walker, 915 Pennsylvania Blvd., 425–13th Street, N.W., Washington, DC 20004. Contract carrier, transporting (1) synthetic fiber, textile waste, plastic pellets, plastic waste, wool, wool waste, and (2) materials used in the manufacture thereof (except in bulk, in tank vehicles), between Charlotte, NC, and Charleston, SC, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Wellman, Inc., of Boston, MA. (Hearing site: Charlotte, NC or Washington, DC.)

Note.—Dual operations may be involved.

MC 149137 (Sub-4F), filed December 3, 1979. Applicant: MASTER TRANSPORT SERVICES, INC., 5000 Wyoming-Suite 203, Dearborn, MI 48125. Representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. Transporting health care materials dealt in or used by pharmaceutical and medical supply manufacturers and distributors from Detroit, MI, to points in CA, CO, CT, GA, MD, MO, NJ, OH, PA, TX and WA. (Hearing site: Detroit, MI.)

Volume No. 80

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 4963 (Sub-83F), filed November 15, 1979. Applicant: JONES MOTOR CO., INC., Bridge Street & Schuykill Road, Spring City, PA 19475. Representative: Roland Rice, Suite 501, Perpetual Building, 1111 E St., NW, Washington, DC 20004. Transporting (1) cast iron pipe, pipe fittings, parts, and accessories, and (2) plastic pipe, pipe fittings, parts, and accessories, between the facilities of Charlotte Pipe and Foundry Company at Charlotte and Bakers, NC, on the one hand, and, on the other, points in AL, GA, IL, IN, IA, KY, MD, MO, NJ, NY, PA, SC, TN, WV, and WI. (Hearing site: Washington, DC.)

MC 4963 (Sub-86F), filed November 15, 1979. Applicant: JONES MOTOR CO., INC., Bridge Street & Schuykill Road, Spring City, PA 19475. Representative: Roland Rice, Suite 501, Perpetual Building, 1111 E St., NW, Washington, DC 20004. Transporting (1) (a) wooden molding, wooden staircases, lumber and millwork, and (b) materials and supplies used in the installation of commodities in (1) above, between the facilities of Driwood Molding Co., Inc., at Florence, SC, on the one hand, and, on the other, points in NC, VA, MD, DE, PA, NJ, NY, CT, RI, MA, NH, ME, VT, OH, WV, TN, KY, GA, AL, IN, MI, IL, WI, IA, MO, and DC, and (2) iron and steel articles, between the facilities of Edgewater Steel Company, at or near (i) Oakmont, PA, and (ii) York, SC, on the one hand, and, on the other, points in PA, NY, OH, WI, KY, MD, WV, IL, IN, and MI, and (6) dock levelers and dock leveler parts, between the facilities of CME, Inc., at Clure, MI, on the one hand, and, on the other, points in OH, IN, IL, and WI. (Hearing site: Washington, DC.)

MC 16923 (Sub-76F), filed November 23, 1979. Applicant: MOON FREIGHT LINES, INC., P.O. Box 1275, Bloomington, IN 47401. Representative...
Donald W. Smith, P.O. Box 40249, Indianapolis, IN 46249. Transporting composition boards and wood fiber products from the facilities of United States Gypsum Company at Greenville, MS, Auburn and Lisbon Falls, ME, and Danville, VA, to points in the U.S. in and east of ND, SD, NE, CO, OK, and TX. (Hearing site: Indianapolis, IN.)

MC 41432 (Sub-166F), filed November 6, 1979. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., P.O. Box 10125, Dallas, TX 75207. Representative: Wayland Little (same address as applicant) over regular routes: Transporting general commodities (except household goods as defined by the Commission), commodities of unusual value, commodities requiring special equipment, and petroleum products, in bulk, in tank vehicles: serving the facilities of Payson Display Fixture, Division of AG Industries, Inc., at or near Payson, UT, as an off-route point in connection with carrier's authorized regular route operation. Applicant intends to tack with MC 41432 and subs thereto and to interline. (Hearing site: Salt Lake City, UT or Dallas, TX.)

MC 50332 (Sub-10F), filed November 15, 1979. Applicant: TAYLOR'S EXPRESS, INC., 425 North 37th Street, Pennsauken, NJ 08101. Representative: Michael R. Werner, Esq., 187 Fairfield road, P.O. box 1409, Fairfield, NJ 07006. Transporting steel and tin plate between the facilities of Doolan Steen Leasing at Hainesport, NJ, on the one hand, and, on the other, New York, NY, and points in MD and PA. (Hearing site: Philadelphia, PA.)

MC 61592 (Sub-476F), filed November 28, 1979. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, IN 47130. Representative: E. A. Devine, P.O. Box 737, Moline, IL 61265. Transporting (1) bricks, from the facilities of Streator Brick Systems, Inc., at or near Streator, IL, to points in IN, IA, MI, MO, OH, and WI, (2) clay products from Brazil, IN, to points in IL, KY, MI, OH, IA, and WI, (3) bricks, from points in MD, NC, and VA, to points in CT, MA, NJ, PA, RI, VT, and ME, (4) clay, crushed or ground, in bags, from the facilities of Malton, Inc., at or near Middleton, TN, to points in MO, TN, MS, AR, AL, TX, KY, LA, FL, IN, IL, OK, CO, MI, WI, MN, GA, NC, WA, VV, PA, MD, NY, and MA, and (5) masonry supplies, from Bethany, CT, to points in V.A, PA, MD, WA, VV, TX, CA, WA, OR, NV, IL, IN, KY, AL, FL, OK, and DC, restricted against the transportation of bulk commodities, in tank vehicles. (Hearing site: Chicago, IL or Washington, DC.)

MC 71652 (Sub-36F), filed September 26, 1979. Applicant: BYRNE TRUCKING, INC., P.O. Box 1224, Medford, OR 97501. Representative: William D. Taylor, 100 Pine St., Suite 2550, San Francisco, CA 94111. Transporting roofing materials, from the facilities of Consolidated Fiber Glass Products Company, at or near Tumwater, WA, to points in CA, ID, MT, OR, and UT, and ports of entry on the international boundary line between the United States and Canada in ID, MT, and WA. (Hearing site: Portland, OR or San Francisco, CA.)

MC 71652 (Sub-39F), filed November 26, 1979. Applicant: BYRNE TRUCKING, INC., P.O. Box 280, 4669 Crater Lake Hwy., Medford, OR 97501. Representative: David J. Stewart, (same address as applicant). Transporting (1) iron or steel articles, and (2) general commodities, in mixed loads with iron or steel articles, from points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WV, and WY, restricted to the transportation of traffic originating at or destined to the facilities or Metra Steel. (Hearing site: Portland, OR or San Francisco, CA.)

MC 80252 (Sub-21F), filed January 23, 1980. Applicant: SOUTHWESTERN MOTOR TRANSPORT, INC., 4600 Goldfield, San Antonio, TX 78282. Representative: Leroy Haliman, 4555 First National Bank Bldg, Dallas, TX 75202. Transporting general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment) (a) over irregular routes, between Laredo, Corpus Christi, Brownsville, Hidalgo, Harlingen, McAllen, Del Paso, Del Rio and San Antonio, TX, on and, on the other, points in OH, IN, IL, WI, PA, MO, WV, and points in MI on and south of MI Hwy 55, and (b) over regular routes, between San Antonio, TX, and Del Rio, TX, over U.S. Hwy 90, serving all intermediate points and serving the site of the Medina Project Installation near San Antonio, TX, the Amistad Dam Site West of Del Rio, TX and Laughlin Field near Del Rio as off-route points: Between San Antonio, TX, and Laredo, TX, over U.S. Hwy 80, serving all intermediate points: Between the junction of U.S. Hwy 81 and U.S. Hwy 57 near Moore, TX, and Eagle Pass, TX, serving all intermediate points: From the junction of U.S. Hwy 81 and U.S. Hwy 57 over U.S. Hwy 87 and return over the same route, Between Dilley, TX, and Eagle Pass, TX, serving all intermediate points: From Dilley over U.S. Hwy 85 to Carrizo Springs, then over U.S. Hwy 277 to Eagle Pass and return over the same route. Between Uvalde, TX, and junction of U.S. Hwy 83 and U.S. Hwy 81 north of Laredo, TX, serving all intermediate points: From Uvalde over U.S. Hwy 63 to junction U.S. Hwy 81 and return over the same route. Between Del Rio, TX, and Eagle Pass, TX, serving all intermediate points: From Del Rio to Eagle Pass over U.S. Hwy 277 and return over the same route. Between Uvalde, TX, and Batesville, TX, over TX Ranch Road 117 serving all intermediate points: From Batesville, TX, to Big Wells, TX, serving all intermediate points: From Batesville over TX Ranch Road 117 to junction TX Ranch Road 1025, then over TX Ranch Road 1025 to junction TX Ranch Road 1667, then over TX Ranch Road 1667 to Big Wells and return over the same route. Between the junction of TX Ranch Road 1025 and TX Ranch Road 1667 and the junction of U.S. Hwy 63 and TX Ranch Road 1023, serving all intermediate points: From Junction of TX Ranch Road 1025 and TX Ranch Road 1667 over TX Ranch Road 1023 to junction U.S. Hwy 83 and return over the same route. Between Crystal City, TX, and Brundage, TX, over TX Ranch Road 65 serving all intermediate points: Between Brackettville, TX and the junction of TX Hwy 131 and U.S. Hwy 277 near Normandy, TX, serving all intermediate points: From Brackettville over TX Hwy 131 to junction U.S. Hwy 277 and return over the same route. Between the junction of U.S. Hwy 90 and TX Ranch Road 1572 near Cline, TX, and the junction TX Ranch Road 1909 and U.S. Hwy 277 near Quemado, TX, serving all intermediate points: From the junction of U.S. Hwy 90 and TX Ranch Road 1572 over TX Ranch Road 1572 to junction TX Ranch Road 1688, then over TX Ranch Road 1688 to junction U.S. Hwy 277 and return over the same route. Between Eagle Pass, TX, and El Indio, TX, over TX Ranch Road 1021 serving all intermediate points: Between Pearsall, TX and junction U.S. Hwy 67 and TX Ranch Road 140, serving all intermediate points. From Pearsall over TX Ranch Road 340 to junction U.S. Hwy 57 and return over the same route. Between the junction of U.S. Hwy 90 and Ranch Road 1022 approximately 3 miles east of Cline, TX, and Blewett, TX, serving the intermediate points of Uvalde Rock Asphalt Mines and White's Uvalde Mines: From the junction of U.S. Hwy 90 and Ranch Road 1022 over Ranch Road 1022 to Blewett and return over the same route. Between Brackettville, TX, and the entrance to Alamo Village, TX, over Farm Road 674 serving all intermediate points: Between the junction of U.S. Hwy 83 and TX Ranch Road 191 near Crystal City, TX, over...
and the junction of TX Ranch Road 191 and U.S. Hwy 277, serving all intermediate points: From the junction of U.S. Hwy 83 and TX Ranch Road 191, over TX Ranch Road 191 to junction U.S. Hwy 277 and return over the same route. Serving the site of the Eagle Pass Airport, Eagle Pass, TX, as an off-route point in connection with carrier's authorized regular route operations to and from Eagle Pass, TX. Serving the site of the Del Rio Airport, Del Rio, TX, as an off-route point in connection with carrier's authorized regular route operations to and from Del Rio, TX.

Between Sabinal, TX, and Concan, TX, serving all intermediate points: From Sabinal over TX Hwy 127 to Concan and return over the same route. Between Uvalde, TX, and the junction of U.S. Hwy 83 and TX Hwy 21, serving all intermediate points and the off-route points of Rio Frio, Garner State Park, and Frio Baptist Encampment: From Uvalde over U.S. Hwy 83 to junction TX Hwy 41 and return over the same route. Between Sabinal, TX, and Vanderpool, TX, over Ranch Road 187 serving all intermediate points: Between Utopia, TX, and the junction of TX Ranch Road 1050 and U.S. Hwy 83, serving all intermediate points: From Utopia over TX Ranch Road 1050 to junction U.S. Hwy 83 and return over the same route. Between Vanderpool, TX and Lenkey, TX, over TX Ranch Road 337 serving all intermediate points: Between Del Rio, TX, and San Angelo, TX, over U.S. Hwy 277, serving all intermediate points: Between Barksdale, TX and the junction of TX Hwy 55 and U.S. Hwy 277, serving all intermediate points: From Barksdale over TX Hwy 55 to junction U.S. Hwy 277 and return over the same route. Restriction: Carrier's operation under the last two described routes are restricted against and carrier is prohibited from handling (1) any freight tonnage originating at or moving through San Antonio destined to or through San Angelo, and (2) any freight tonnage originating at or moving through San Angelo destined to or through San Antonio. Between Barksdale, TX, and Uvalde, TX, over TX Hwy 65 serving all intermediate points: Between San Saba, TX, and San Antonio, TX, serving all intermediate points: From San Saba over TX Hwy 16 to Fredericksburg, then over U.S. Hwy 87 to San Antonio and return over the same route. Between San Saba, TX, and Lampasas, TX, over U.S. Hwy 190 serving all intermediate points: Between Llano, TX, and Buchanan Dam, TX, over TX Hwy 29 serving no intermediate points. Restriction: Service under this authority is restricted to the handling of shipments which originate at Llano and are destined to Buchanan Dam or which originate at Buchanan Dam and are destined to Llano. Between Lampasas, TX, and Buchanan Dam, TX, serving no intermediate points: From Lampasas over U.S. Hwy 281 to Burnet, then over TX Hwy 29 to Buchanan Dam. Restriction: Service under this authority is restricted to the handling of shipments which originate at Lampasas and are destined to Buchanan Dam or which originate at Buchanan Dam and are destined to Lampasas. Between Corpus Christi, TX, and Hebbronville, TX, serving all intermediate points: From Corpus Christi over TX Hwy 44 to San Diego, then over TX Hwy 359 to Hebbronville and return over the same route. Between San Diego, TX, and Freer, TX, over TX Hwy 44 serving no intermediate points, and serving San Diego as a point of joinder only: Between junction of TX Hwy 44 and U.S. Hwy. 59 near Freer, TX, and the junction of TX Hwy 44 and U.S. Hwy. 83, serving the intermediate point of Encinal, TX: From the junction of TX Hwy 44 and U.S. Hwy 59 near Freer, over TX Hwy 44 to junction U.S. Hwy. 83 and return over the same route. Between the junction of U.S. Hwy 59 and TX Hwy 9 and George West, TX, serving no intermediate points, and serving George West, TX, and the junction of U.S. Hwy. 99 and TX Hwy 9 as points of joinder only as an alternate route for operating convenience only: From the junction of U.S. Hwy 59 and TX Hwy 9 over U.S. Hwy 99 to George West and return over the same route. Between Three Rivers, TX, and Big Wells, TX, serving no intermediate points, and serving Three Rivers, TX as a point of joinder only: From Three Rivers over TX Hwy 72 to junction TX Hwy 97, then over TX Hwy 97 to Cotulla, then over TX Ranch Road 468 to junction TX Hwy 65, then over TX Hwy 85 to Big Wells and return over the same route. Between Riviera, TX, and Brownsville, TX, serving all intermediate points: From Rivera over TX Hwy 235 to Falfurrias, then over U.S. Hwy 281 via Pharr to Brownsville and return over the same route. Between San Antonio, TX, and Falfurrias, TX, over U.S. Hwy 281, serving the intermediate point of Alice and off-route point of the King Ranch Gas Plant of Exxon, Inc.: Between the junction of U.S. Hwy 281 and TX Hwy 136 north of San Manuel, TX, and Raymondville, TX, serving all intermediate points: From the junction of U.S. Hwy 281 and TX Hwy 136 north of San Manuel, TX, and Raymondville, TX, serving all intermediate points: From the junction of U.S. Hwy 281 and TX Hwy 185 to Brownsville and return over the same route. Between Benavides, TX, and Freer, TX, serving no intermediate points, and serving Benavides, TX as a point of joinder only, as an alternate route for operating convenience only: From Benavides over TX Hwy 339 to junction TX Hwy 18, then over TX Hwy 18 to Freer and return over the same route. Between Falfurrias, TX, and Laredo, TX, serving all intermediate points: From Falfurrias over TX Hwy 285 to Hebbronville, then over TX Hwy 359 to Laredo and return over the same route. Between George West, TX, and Freer, TX, serving no intermediate points, and serving George West, TX, as a point of joinder only, as an alternate route for operating convenience only: From George West over U.S. Hwy 59 to Freer and return over the same route. Between Freer, TX, and Laredo, TX, over U.S. Hwy 59 serving all intermediate points: Between the junction of U.S. Hwy 281 and TX Hwy 9, north of Three Rivers, TX, and Corpus Christi, TX, serving no intermediate points, as an alternate route for operating convenience only: From the junction of U.S. Hwy 77 and TX Hwy 9 at Corpus Christi, TX, and Raymondville, TX, serving no intermediate points, as an alternate route for operating convenience only: From Corpus Christi, TX, and Harlingen, TX, over U.S. Hwy 77 serving all intermediate points: Between Corpus Christi, TX, and Gregory, TX, over U.S. Hwy 161 serving all intermediate points: Between San Antonio, TX, and Freer, TX, and TX Hwy 16 serving no intermediate points, as an alternate route for operating convenience only: From Freer, TX, and Hebbronville, TX, over TX Hwy 16 serving no intermediate points, as an alternate route for operating convenience only: Between Mission, TX, and Brownsville, TX, serving all intermediate points and the off-route points of the site of the U.S. Air Corps Gunnery School near Harlingen, TX, and the site of the U.S. Naval Auxiliary Landing Field near Port Isabel, TX: From Mission over U.S. Hwy 83 Expressway to Brownsville, TX, using all frontage roads parallel to U.S. Hwy 83 Expressway and return over the same route. Between Mission, TX, and Pharr, TX, over U.S. Hwy 83 serving all intermediate points: Between Edinburg, TX, and Mission, TX, over TX Hwy 207 serving all intermediate points and the off-route points of Cantu, TX, and the
Transportation operations solely within a state, issuance of a certificate of public convenience and necessity in this proceeding is subject to the prior or coincidental cancellation, at applicant's written request, of all the outstanding Certificates of Registration. (Hearing site: Salt Lake City, UT, or Denver, CO.)

Note.—Applicant presently operates over the routes described in Part A above under Certificates of Registration.

MC 108892 (Sub-11F), filed November 8, 1979. Applicant: TRANS-SOUTHWEST CARRIERS, INC., 1074 South 500 West, Salt Lake City, UT 84101. Representative: Lee Redman (same address as applicant). Transporting wooden kitchen cabinets, from the facilities used by Olympia Mfg. & Sales Company, at Salt Lake City, UT, to points in AZ, CA, CO, ID, MT, NV, OR, and WA. (Hearing site: Salt Lake City, UT or Denver, CO.)

MC 103993 (Sub-1027F), filed November 6, 1979. Applicant: MORGAN DRIVE-AWAY, INC., 22651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda (same address as applicant). Transporting lumber and lumber mill products (except commodities in bulk), from the facilities of Walnut Products, Inc., at or near St. Joseph, MO, to points in the US in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Kansas City, MO.)

MC 107012 (Sub-463F), filed November 16, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop, P.O. Box 988, Fort Wayne, IN 46801. Transporting (a) dishes, household appliances, and (b) part and accessories for the commodities, (1) from Decatur, AL, and Columbia, TN, to the facilities of General Electric Company, at or near Little Rock, AR, and (2) from the facilities of General Electric Company, at or near Little Rock, AR, to points in LA, MS, NM, OK, and TX. (Hearing site: Memphis, TN; or New Orleans, LA.)

MC 107012 (Sub-364F), filed November 16, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Bruce W. Boyarko, P.O. Box 906, Fort Wayne, IN 46901. Transporting (1) containers, container accessories, and parts from Jacksonville, FL, Homerville, Morrow, and Valdosta, GA, and Picayune, MS, to points in the United States (except AK and HI), and (2) materials, equipment, and supplies used in the manufacture of the commodities in (1) above (except commodities in bulk), in the reverse direction, transportation restricted to the traffic originating at or destined to the facilities of Standard Container Company. (Hearing site: Atlanta, GA or Washington, D.C.)

MC 108393 (Sub-145F), filed November 12, 1979. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 East Ogden Ave., Hinsdale, IL 60440. Representatives: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114. Transporting electrical and gas appliances, parts of electrical and gas appliances, and equipment, materials, and supplies, used in the manufacture, distribution and repair of electrical and gas appliances (except commodities in bulk), between Columbus, OH, on the one hand, and (1) American Van Lines, Inc., at or near Indianapolis, IN, and Clyde, Marion, and Findlay, OH, Danville, KY, and LaPorte, IN, under continuing contract(s) with Whirlpool Corporation, of Benton Harbor, MI. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 108523 (Sub-135F), filed November 14, 1979. Applicant: POLMAN TRANSFER, INC., Rt. 3, Wadena, MN 56482. Representative: Robert P. Sack, P.O. Box 6100, West St. Paul, MN 55118. Transporting (1) mirrors, plates, snow fences, and culverts, wooden bridges, bridge parts, bridge accessories, wood treating compounds and salt (except commodities in bulk), between points in the United States (except AK and HI) under continuing contract(s) with Wheeler Division-St. Regis Paper Company, of West Des Moines, IA. (Hearing site: St. Paul, MN.)

Note.—Dual operations may be involved.

MC 108533 (Sub-122F), filed November 30, 1979. Applicant: OVERNITE TRANSPORTATION CO., 1000 Semmes Avenue, Richmond, VA 23224.

Representative: E. T. Lipsett, Suite 3100, 1660 L Street, N.W., Washington, D.C. 20036; C. H. Swanson, (same address as applicant). Transporting general commodities (except those unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between Bridgeport, Cincinnati, Columbus, Dayton, Kanawha Falls, Marietta and Portsmouth, OH and Richmond, IN, on the one hand, and, on the other, points in Allen, Ashland, Ashtabula, Athens, Auglaize, Belmont, Carroll, Columbiana, Coshocton, Crawford, Cuyahoga, Darke, Defiance, Erie, Fulton, Gallia, Geauga, Guernsey, Hancock, Hardin, Harrison, Henry, Hocking, Holmes, Houser, Jefferson, Knox, Lake, Lawrence, Logan, Lucas, Mahoning, Medina, Meigs, Mercer, Monroe, Morgan, Morrow, Muskingum, Noble, Ottawa, Paulding, Perry, Portage, Putnam, Richland, Sandusky, Scioto, Seneca, Shelby, Stark, Summit, Trumbull, Tuscarawas, Van Wert, Vinton, Washington, Wayne, Williams, Wood, and Wyandot Counties, OH. (Hearing site: Columbus, OH, or Washington, DC.)

Notes.—(1) Applicant intends to tack the authority sought with regular and irregular routes it is or may be authorized to serve. (2) Applicant presently holds irregular route authority between Cincinnati, OH and points in the above counties in No. MC 20953 (Sub 71), and the purpose of this application is to add alternate gateways and eliminate a West Virginia restriction in Sub. 71.

MC 112223 (Sub-130F), filed November 24, 1979. Applicant: QUICKIE TRANSPORT CO., a corporation, 2700 New Brighton Blvd., Minneapolis, MN 55413. Representative: Earl Hacking (same address as applicant). Transporting liquefied petroleum gas, in bulk, in tank vehicles, from (1) Minneapolis and Vernon Center, MN, to points in IA, WI, and Upper Peninsula of MI, and (2) Clear Lake and Sanborn, IA, to points in MN. (Hearing site: Minneapolis, MN.)

MC 112613 (Sub-30F), filed November 13, 1979. Applicant: T. ACHENBERG TRANSPORTATION CO., 203 Sheridan St., Perth Amboy, NJ 08861. Representative: Morton E. Kiel, 2 World Trade Center, New York, NY 10048. Transporting general commodities (except classes A and B explosives, household goods as defined by the Commission, those of unusual value, and those in bulk and those requiring special equipment), between the facilities of Cheseborough-Ponds, Inc., at Perth Amboy, NJ, and Clinton, CT, on
the one hand, and, on the other,
Baltimore, MD, Boston, MA,
Philadelphia, PA, and New York, NY,
under continuing contract(s) with
Chesbrough-Ponds, Inc., of Clinton, CT.
(Hearing site: New York, NY.)
MC 113949 (Sub-277F), filed November
8, 1979. Applicant: CHESAPOKE COTTON
FOOTWEAR, INC., 316 Summer St.,
Boston, MA 02210. Representative:
Lawrence T. Shieh (same address
and, on the other, points in
AZ, ID, OR, UT, and WA,
under continuing contract(s) with
J. R. Simplot Company, of Boise, ID.
(Hearing site: Boise, ID or Salt Lake City, UT.)
Note—Dual operations may be involved.
MC 125952 (Sub-457), filed November
30, 1979. Applicant: INTERSTATE
DISTRIBUTOR CO., a corporation, 8311
Durango St. S.W., Tacoma, WA 98499.
Representative: George R. Labisoniere,
1100 Norton Blvd., Seattle, WA 98104.
Transporting such commodities as
are dealt in and used by grocery and food
business houses, and agricultural feed
houses and soy products (except
commodities in bulk), between points in
WA, OR, CA, ID, MT, NV, AR, WY, NM,
TX, CO, UT, and AK, under
continuing contract(s) with Ralston
Purina Company, of St. Louis, MO.
(Hearing site: Seattle, WA.)
Note—Dual operations may be involved.
MC 125822 (Sub-77F), filed December
28, 1979. Applicant: WESTPORT
TRUCKING CO., a corporation, 15580
South 169 Hwy, Olathe, KS 66061.
Representative: Kenneth E. Smith (same
address as applicant). Transporting (1)
abrasive grain, in containers, and (2)
materials and supplies used in the
manufacture and distribution of the
commodities in (1) above, between Little
Falls, NY and Oklahoma City,
the one hand, and, on the other,
points in the United States (except AK and HI).
(Hearing site: Oklahoma City, OK.)
MC 125822 (Sub-78F), filed December
4, 1980. Applicant: WESTPORT
TRUCKING CO., a corporation, 15580
South 169 Hwy, Olathe, KS 66061.
Representative: Kenneth E. Smith (same
address as applicant). Transporting brick,
from the facilities of L. B.
Industries, Inc., at or near Los Angeles,
CA, to points in the United States
(except AK, CA, and HI).
(Hearing site: Los Angeles, CA.)
MC 125273 (Sub-388F), filed December
4, 1979. Applicant: MIDWEST
DISTRIBUTION, INC., P.O. Box 189, Fort
Scott, KS 66701. Representative: Eilen
Corban (same address as applicant).
Transporting such commodities as
are used or dealt in by the manufacturer
and distributor of certain micronutrients
(except commodities in bulk, in tank
vehicles), between Beckemeyer and
Rosiclare, IL, Lakeland, Lake Alfred and
Groveland, FL, Baltimore, MD, Bowling
Green, KY, Brington, MI, Clearwater
and Jericho, SC, and Cedartown, Bainbridge
and Tifton, GA, on the one hand, and,
on the other, points in the United States
(except AK and HI), restricted to traffic

Austln L. Hatchell, 801 Vaughn Bldg.,
Austin, TX 78701. Transporting (1)
Poultry and animal feed, and mineral
and vitamin mixtures for poultry and
animal feeding (except in bulk), and (2)
materials and supplies used in
the manufacture, distribution and sale of
the commodities named in (1) above,
between the facilities of Allied Mills in
Fort Worth, TX and Memphis, TN, on the
one hand, and, on the other, points in
AR, KY, LA and MS.
(Hearing site: Dallas or Fort Worth, TX.)

MC 124062 (Sub-325F), filed December
27, 1979. Applicant: SAMMONS
TRUCKING, a corporation. P.O. Box
457, Miles Falls, MT 59906.
Representative: J. David Douglas (same
address as applicant). Transporting
lumber, wood products, poles, and poles,
between Wilmar, MN, on the one hand,
and, on the other, points in ND, SD, NE,
KS, IA, CO, MO, WI, IL, IN, OH, and
MN.
(Hearing site: St. Paul, MN.)
MC 124062 (Sub-18F), filed November
19, 1979. Applicant: ACE MOTOR
FREIGHT, INC., Box 127, Summerville,
SC, 29483. Representative: Kent E. Pope,
10 Grant St., Clarion, PA 16214.
Transporting (1) clay and refractory
products, (a) from Summerville, PA,
to points in the United States (except CT,
DE, IL, MA, MD, NC, NJ, NY, OH, RI,
WV, VA, AK, HI, and DC), and (b) from
Lewis Run, PA, to points in KY, ME, NH,
and RI, and those points in the United
States in and west of MN, IA, MO, TN,
GA, and AK and HI; and (2) materials
and supplies, and equipment used in
the manufacture and distribution of
clay refractory products, from points in
the United States (except AK and HI), to
Summerville and Lewis and Lewis
Run, PA. (Hearing site: Pittsburgh, PA or
Washington, DC.)

MC 125433 (Sub-360F), filed November
9, 1979. Applicant: F-B TRUCK LINE
CO., a corporation, 1945 South Redwood
Rd., Salt Lake City, UT 84104.
Representative: John B. Anderson (same
address as applicant). Transporting (1)
vacuum pressure vessels, (2) truck
mounted pressure vessels, (3) parts,
attributions, and accessories for
the commodities in (1) and (2) above,
from the facilities of Thompson Tank & Mfg.
Co., Inc., at or near Long Beach, CA, to
points in Utah (except AK and HI).
(Hearing site: Los Angeles, CA.)

MC 125872 (Sub-13F), filed November
CO., INC., 918 South 2000 West,
Salt Lake City, UT 84111. Representative:
Bruce W. Sand, 430 Judge Building, Salt
Lake City, UT 84111. Transporting
foodstuffs, in vehicles equipped with
mechanical refrigeration, between the
facilities of J. R. Simplot Company at
or near (a) Hermiston, OR, (b) Caldwell,
Nampa, Burley, Aberdeen, Idaho Falls,
and Heyburn, ID, and (c) Clearfield, UT,
on the one hand, and, on the other,
points in AZ, ID, OR, UT, and WA,
under continuing contract(s) with J. R.
Simplot Company, of Boise, ID.
(Hearing site: Boise, ID or Salt Lake City, UT.)
originating or destined to the facilities of Imperial Products, Inc. (Hearing site: Orlando, FL, or Washington, DC.)

MC 129302 (Sub-118F), filed November 14, 1979. Applicant: TOM INMAN TRUCKING, INC., 5505 South 129th East Avenue, Tulsa, OK 74121. Representative: David R. Worthington (same address as applicant). Transporting flat glass (a role as Guardian Industries) at or near Corsicana, TX, to points in the United States (except AK and HI). (Hearing site: Detroit, MI, or Chicago, IL.)

MC 129302 (Sub-120F), filed November 30, 1979. Applicant: TOM INMAN TRUCKING, INC., 5505 S. 129th East Ave., Tulsa, OK 74121. Representative: David R. Worthington (same address as applicant). Transporting flat glass from the facilities of Guardian Industries at or near Corsicana, TX, to points in the United States (except AK and HI). (Hearing site: Oklahoma City, OK or Dallas, TX.)

MC 134793 (Sub-62F), filed November 9, 1979. Applicant: DIRECT SERVICE, INC., 540 East 66th St., P.O. Box 2491, Lubbock, TX 79408. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Ave., Tulsa, OK 74121. Transporting meats, meat products, meat byproducts, and articles distributed by meatpackers, 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 768 (except hides and commodities in bulk), from the facilities used by John Morrall & Co., at or near Shreveport, LA, to points in AL, CT, DE, FL, GA, IL, IN, KY, LA, ME, MD, MA, MI, MS, MO, KY, NC, OR, PA, RI, SC, TN, TX, VT, VA, WV, and DC, restricted to the transportation of traffic originating at the facilities of John Morrall & Co. (Hearing site: Chicago, IL, or Dallas, TX.)

Note.—Dual operations are involved.

MC 134872 (Sub-16F), filed December 3, 1979. Applicant: GOSSELIN EXPRESS LTD., 141 Smith Blvd., Thetford Mines, Quebec, Canada G5G 5R7. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Transporting snowmobiles, from points in NE, to ports of entry on the United States-Canada international boundary line in MI and NY. (Hearing site: Albany or Plattsburg, NY.)

MC 136343 (Sub-208F), filed November 2, 1979. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Representative: Herbert R. Nurick, P.O. Box 1166 (100 Pine Street), Harrisburg, PA 17108. Transporting foodstuffs, not frozen (except in bulk), from the facilities of DCA Food Industries, Inc., at or near Hildale and Jonesville, MI, to points in CT, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, and DC. (Hearing site: Harrisburg, PA, or Washington, DC.)

MC 138553 (Sub-210F), filed November 6, 1979. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, PA 17108. Transporting foodstuffs, canned or preserved, from the facilities of Heinz USA, Division of H. J. Heinz Company at Fremont and Toledo, OH, to points in NY on and north of Interstate Hwy 84, NJ on and south of NJ Hwy 33, and points in VT, DE, PA (except Oaks, King of Prussia, and Philadelphia), MD, VA, NC, SC, and DC, (2) from facilities of Heinz USA, Division of H. J. Heinz Company at Pittsburgh, PA, to points in ME, NH, VT, MA, CT, RI, NY, NJ, DE, MD, VA, NC, SC, and DC; (3) from the facilities of Heinz USA, Division of H. J. Heinz Company at Mechanicsburg, PA, to points in ME, NH, VT, MA, CT, RI, NY, NJ, DE, MD, VA, NC, SC, and DC; (4) from the facilities of Heinz USA, Division of H. J. Heinz Company at Minneapolis, or St. Paul, MN.)

MC 138553 (Sub-87F), filed November 29, 1979. Applicant: ART PAPE TRANSFER INC., 1080 East 12th Street, Dubuque, IA 52001. Representative: William L Fairbank, 1980 Financial Center, Des Moines, IA 50309. Transporting (1) construction materials and (2) materials, equipment and supplies used in the manufacture and distribution of construction materials, between Dubuque, IA, on the one hand, and, on the other, points in IL, IN, Lower MI, OH and WI. (Hearing site: Chicago, IL, or Tampa, FL.)

MC 138882 (Sub-333F), filed November 7, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: James W. Segrest (same address as applicant). Transporting malt beverages, from Laredo, TX, to points in NY, MN, and WI. (Hearing site: New York, NY or Birmingham, AL.)

MC 138882 (Sub-334F), filed November 12, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: James W. Segrest (same address as applicant). Transporting cheese, from the facilities of Swift & Company, at Green Bay, Monroe, Marathon and Wausau, WI, to points in IL, IN, MI, NJ, NY, OH, and PA, under continuing contract(s) with Swift
& Company, of Chicago, IL. (Hearing site: Chicago, IL or Milwaukee, WI.)

Transporting passengers and their baggage, in same vehicle with passengers, in charter and special operations, beginning and ending at Alameda, Albany, Berkeley, Emeryville, Piedmont, and San Francisco, CA, and those parts of Oakland north of a line commencing at the intersection of Doolittle Drive and the city limits of Oakland and extending along Doolittle Drive to its intersection with 98th Avenue, then along 99th Avenue to its intersection with Golf Links Road, then along Golf Links Road to its intersection with Grass Valley Road, then along Grass Valley Road to its approach to the city limits of Oakland, CA; and extending to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, WY. (Hearing site: San Francisco, CA.)

MC 140902 (Sub-11F), filed November 12, 1979. Applicant: DPD, INC., 3600 W. 82nd Ave., Miami, FL 33162. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Transporting prefabricated buildings and parts of buildings, materials, equipment, and supplies, used in the construction of prefabricated buildings between the facilities of National Homes Corporation, at or near Tyler, TX, on the one hand, and, on the other, points in AR, CO, IN, KS, LA, MS, MO, NM, OK, TN, TX, and WY, under continuing contract(s) with National Homes Corporation, of Lafayette, IN. (Hearing site: Miami, FL or Washington, DC.)

MC 140902 (Sub-13F), filed November 13, 1979. Applicant: DPD, INC., 3600 W. 82nd Ave., Miami, FL 33162. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Transporting prefabricated buildings and component parts thereof, and materials, equipment, and supplies used in the construction of prefabricated buildings, between the facilities of National Homes Corporation, at or near Effingham, IL, on the one hand, and, on the other, points in AR, IL, IN, IA, KS, KY, MI, MN, MO, NE, ND, OK, SD, TN, WI, under continuing contract(s) with National Homes Corporation, of Lafayette, IN. (Hearing site: Miami, FL or Washington, DC.)

MC 141033 (Sub-63F), filed November 9, 1979. Applicant: CONTINENTAL CONTRACT CARRIER CORP., P.O. Box 1257, 15045 East Salt Lake Ave., City of Industry, CA 91749. Representative: Richard A. Peterson, P.O. Box 81494, Lincoln, NE 68501. Transporting plastic and plastic articles, materials and supplies used in the manufacture of plastic articles (except commodities in bulk, and in tank and hopper type containers), between Hudson, NC, and points in IL, IN, KS, MN, CA, OK, OR, SD, WI, WA, TX, and UT. (Hearing site: New York, NY or Washington, DC.)

MC 141402 (Sub-47F), filed November 14, 1979. Applicant: LINCOLN FREIGHT LINES, INC., P.O. Box 422, Lapel, IN 46051. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting chemicals and materials and supplies used in the manufacture of chemicals, between Ludington, MI, on the one hand, and, on the other, points in WI, IA, MO, IL, IN, OH, WV, KY, PA, and MI, under continuing contract(s) with Dow Chemical USA, of Ludington, MI. (Hearing site: Indianapolis, IN or Chicago, IL.)

MC 141522 (Sub-2F), filed November 14, 1979. Applicant: NORTH WEST COMMERCIAL HAULING LTD., 10753 180th St., Edmonton, Alberta Canada T5G 1S6. Representative: Ray F. Koby, 314 Montana Bldg., Great Falls, MT 59401. Transporting new construction equipment, from points in IA, IL, and MO, to ports of entry on the international boundary line between the United States and Canada, under continuing contract(s) with North West Commercial Sales (1973) Ltd., of Edmonton, Alberta, Canada. (Hearing site: Great Falls, MT.)

MC 142239 (Sub-2F), filed November 26, 1979. Applicant: ROBBIE D. WOOD, INC., P.O. Box 125, Dolomite, AL 35061. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Building, Birmingham, AL 35233. Transporting (1) coke from points in AL to points in the US in and east of ND, SD, NE, KS, and TX and (2) coal from points in AL to points in MO, AR, TX, and LA. (Hearing site: Birmingham or Montgomery, AL.)

Transporting foodstuffs (except in bulk) in vehicles equipped with mechanical refrigeration, between Rocky Mount and Forest City, NC, and Mason City, IA, on the one hand, and, on the other, points in CO, IL, IA, KS, MN, MO, and NE, under continuing contract(s) with Fast Food Merchandisers, Inc., of Rocky Mount, NC. (Hearing site: Charlotte, NC.)

Note.—Dual operations may be involved.

MC 142572 (Sub-100F), filed November 14, 1979. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., Post Office Drawer F, Mulberry, AR 72947. Representative: Don Carrison, Eqy, Post Office Box 1065, Fayetteville, AR 72937. Common carrier Transportation steel drums from points in IL, MO, OH, and TN to Dayton and Houston, TX. (Hearing site: Houston, TX, or Fayetteville, AR.)

Note.—Dual operations may be involved.

MC 143423 (Sub-11F), filed November 16, 1979. Applicant: WILLIAM T. AUSTIN d/b/a AUSTIN TRUCKING COMPANY, 2202 Clayton Ave. SW, Decatur, AL 35601. Representative: D. H. Markstein, Jr., 512 Market St., Birmingham, AL 35203. Transporting household refrigerators, from the facilities of General Electric Company, of Decatur, AL, to Little Rock, AR and points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundary of Itasca and Koochiching Counties, MN, to the international boundary line between the United States and Canada, under continuing contract(s) with Dow Corning Corp., of Midland, MI. (Hearing site: Lansing or Detroit, MI.)

MC 143823 (Sub-57F), filed December 28, 1979. Applicant: CITY COAL AND SUPPLY CO., INC., South Second St., Princeton, WV 24740. Representative: Kemper S. Powell (same address as applicant). Transporting lumber and equipment, supplies, and materials used in the construction of buildings, under continuing contract(s) with FAST FOOD DISTRIBUTORS, INC., of Newport News, VA. (Hearing site: Charleston, WV.)
in the processing of lumber, between Princeton, WV, Winchester, KY, Gresham, OR, and Los Angeles, CA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Roanoke, VA or Washington, DC.)

MC 144293 (Sub-14F), filed December 10, 1979. Applicant: DUANE MCFARLAND, P.O. Box 1008, Austin, MN 55912. Representative: Thomas J. Beener, One State St. Plaza, New York, NY 10004. Transporting foodstuffs (except in bulk), from the facilities of Welch Foods, Inc., at or near Lawrence, MA, to points in WI, MN, IA, ND, SD, and NE. (Hearing site: Chicago, IL or New York, NY.)

MC 144972 (Sub-21F), filed December 3, 1979. Applicant: VICTORY EXPRESS, INC., P.O. Box 26189, Trotwood, OH 45426. Representative: Richard H. Schaefer (same address as applicant). Transporting (1) plastics and plastic articles, and (2) materials, equipment, and supplies used in the manufacture and distribution of the commodities in (1) above, between Indianapolis, IN and Reading, PA, on the one hand, and, on the other, points in the United States on and east of U.S. Hwy 87, restricted to traffic originating at or destined to the facilities of W. R. Grace & Co. (Hearing site: Columbus, OH or Philadelphia, PA.)

Note.—Dual operations may be involved.

MC 144024 (Sub-7F), filed December 4, 1979. Applicant: CLIFFORD L. RIGGINS, d.b.a. RIGGINS TRUCKING, 1004 West Maple St., Springfield, IL 62704. Representative: Nancy Pfeist, 815 15th St. NW, Washington, DC 20005. Transporting candy and bakery goods, from Chicago IL to Los Angeles, CA. (Hearing site: Chicago, IL or Washington, DC.)

MC 145152 (Sub-133F), filed November 14, 1979. Applicant: BIG THREE TRANSPORTATION, INC., Post Office Box 708, Springfield, AR 72764. Representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville, AR 72701. Transporting confections and cough drops from the facilities of Luden's, Inc., at or near Reading, PA, to points in AR, IA, KS, KY, LA, MS, MO, NE, OK, TN, TX, and WV. (Hearing site: Philadelphia, PA, or Fayetteville, AR.)

MC 145152 (Sub-169F), filed January 7, 1980. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 708, Springfield, AR 72764. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701. Transporting printed matter, and materials, equipment, and supplies used in the manufacture and distribution of printed matter, (1) from Ashdown, AR, to Adrian, MI, and (2) from Adrian, MI, to Chicago, IL and Cleveland, OH. (Hearing site: Adrian, MI or Fayetteville, AR.)

MC 145713 (Sub-4F), filed December 12, 1979. Applicant: TAURUS TRUCKING CORP., 199 Calcutta Street, Port Newark, NJ 07114. Representative: Michael R. Werner, 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. Transporting general commodities, (except those of unusual value), classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between New York, NY, on the one hand, and, on the other, Boston, MA, Philadelphia, PA, Baltimore, MD, and Norfolk, VA, restricted to traffic having a prior or subsequent movement by water. (Hearing site: New York, NY.)

MC 145982 (Sub-3F), filed November 2, 1979. Applicant: THE TOWN TOUR FUN BUS COMPANY, INC., d.b.a. FUN BUS SYSTEMS, 304 Katella Way, Anaheim, CA 92802. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting passengers and their baggage, and express and newspapers in the same vehicle with passengers, between Buena Park, CA, and Las Vegas, NV, from Buena Park over CA Hwy 91 to junction CA Hwy 57, then over CA Hwy 57 to junction Interstate Hwy 10, then over Interstate Hwy 10 to junction Interstate Hwy 15, then over Interstate Hwy 15 to Las Vegas, and return over the same route, serving Fullerton, CA, as an intermediate point. (Hearing site: Los Angeles, CA.)

MC 146293 (Sub-4F), filed November 6, 1979. Applicant: REGAL TRUCKING CO., INC., 95 Lawrence Industrial Park Circle, NE., Lawrenceville, GA 30245. Representative: Richard M. Tettelbaum, 3530 Peachtree Rd. NE., Atlanta, GA 30328. Transporting such commodities as are dealt in by manufacturers and distributors of chemical and plastic products (except in bulk), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Amoco Chemicals Corporation or Amoco Foams Products Company. (Hearing site: Atlanta, GA.)

Note.—Dual operations may be involved.

MC 146592 (Sub-2F), filed November 26, 1979. Applicant: AVERY TRANSPORT, INC., 11026 Roswell, Pomona, CA 91768. Representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, CA 90010. Transporting travel trailers and 5th wheel trailers from points in Riverside and San Bernardino Counties, CA, to points in AZ, CO, ID, MT, NV, NM, OR, TX, UT, and WA. (Hearing site: Los Angeles, CA.)

MC 146623 (Sub-5F), filed November 5, 1979. Applicant: STAMEY ENTERPRISES, INC., 7350 102nd Place, South, Boynton Beach, FL 33435. Representative: Richard B. Austin, Esq., Suite 214, Palm Coast II Building, 5265 N.W. 87th Avenue, Miami, FL 33178. Transporting frozen foods and candies between Newark, NJ, and Richmond, VA on the one hand, and, on the other, points in Dade County, FL. (Hearing site: Miami, FL.)
MC 146722 (Sub-3F), filed November 19, 1979. Applicant: JOE PRYOR d.b.a. JOE TRANSPORT, 1616 E. 78th Ave., Space 72, Denver, CO 80229.
Representative: Joe Pryor (same address as applicant). Transporting iron and steel articles, parts for iron and steel articles, scrap metal, and brick, (1) from Denver, CO, to points in CA, NV, and UT, and (2) from Los Angeles, CA, to Denver, CO. (Hearing site: Denver, CO.)

MC 146773 (Sub-2F), filed November 25, 1979. Applicant: CON-EX, INC., 369 Mast Road, Manchester, NH 03102.
Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Transporting general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from Manchester, NH, to points in the United States (except AK and CT, DE, HI, ME, MD, MA, NH, NJ, NY, PA, RI, VA, VT, WV, and DC), restricted to the transportation of traffic originating at the facilities of N. H. Shippers Cooperative, Inc., at Manchester, NH. (Hearing site: Boston, MA or Concord, NH.)

MC 146782 (Sub-2F), filed November 6, 1979. Applicant: ROBERTS CONTRACT CARRIER CORPORATION, 500 First Avenue, South, Nashville, TN 37201.
Representative: Stephen L. Edwards, 606 Nashville Bank & Trust Building, Nashville, TN 37221. Transporting (1) construction adhesives and paint, and (2) materials, supplies and equipment used in the manufacture of the commodities in bulk between the facilities of Warren Paint and Color Company at Nashville, TN, on one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Nashville, TN.)

MC 146833 (Sub-2F), filed November 6, 1979. Applicant: FRANK F. SLOAN d.b.a. HAWKEYE WOODSHAVINGS, Route 1, Runnels, IA 50327.
Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. Transporting sawdust and shavings, from Belle Fourche, SD, to points in IA. (Hearing site: Des Moines, IA, or Omaha, NE.)

MC 147112 (Sub-4F), filed December 16, 1979. Applicant: L. H. BRYAN, d.b.a. BRYAN TRUCKING COMPANY, Route 4, Circle Creek Drive, Stockbridge, GA 30281. Representative: Alan E. Serby, 3390 Peachtree Road, NE, Atlanta, GA 30326. Transporting lumber and lumber products, (except commodities in bulk), between points in GA, AL, NC, SC, FL, TN, KY, VA, LA and MS. (Hearing site: Atlanta, GA.)

MC 147202 (Sub-2F), filed November 6, 1979. Applicant: KENNECO, INC., P.O. Box 813, Janesville, WI 53545.
Representative: James A. Splegel, Old Towne Office Park, 8425 Oduna Rd., Madison, WI 53719. Transporting (a) dirt, sand, gravel, stone, cinders, ashes, batch cement, or asphalt mix, in bulk, in dump vehicles, and (b) construction machinery, equipment and supplies, between points in WI, on the one hand, and, on the other, points in IL and on and north of a line beginning at the IL-WI State line and running along IL Hwy 64 to its junction with IL Hwy 59 and on and east of a line running from the junction of IL Hwy 59 with IL Hwy 64 to the IL-WI State line. (Hearing site: Madison, WI.)

MC 147323 (Sub-7F), filed December 18, 1979. Applicant: HADDAD TRANSPORTATION, INC., 5000 Wyoming Ave., Dearborn, MI 48126.
Representative: John P. Haddad (same address as applicant). Transporting (1) iron and steel articles, and (2) equipment, materials, and supplies used in the manufacture and distribution of the commodities named in (1) above (except commodities in bulk) between the facilities of Aspen Steel Corp., at Clawson, MI, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Detroit, MI, or Washington, DC.)

Note.—Dual operations may be involved.

MC 147712 (Sub-5F), filed December 3, 1979. Applicant: MID-WESTERN TRANSPORT, INC., 10506 South Shoemaker Ave., Santa Fe Springs, CA 90670. Representative: Joseph Fazio (same address as applicant). Transporting confectionery products and cough drops, from the facilities of Lucien's, Inc., at Reading, PA, to points in AZ, CA, CO, ID, NV, NM, OK, OR, TX, UT, and WA. (Hearing site: Los Angeles or San Diego, CA.)

Representative: Robert D. Givvold, 1000 First National Bank Building, Minneapolis, MN. Transporting printed paper, paper, and paper products, from Minneapolis, MN, to points in the United States (except AK and HI). (Hearing site: Minneapolis-St. Paul, MN.)

MC 148183 (Sub-7F), filed November 19, 1979. Applicant: ARROW TRUCK LINES, INC., P.O. Box 432, Gainesville, GA 30501. Representative: Pauline E. Myers, Suite 348-Pennsylvania Bldg., 425-13th St., N.W., Washington, DC 20004. Transporting frozen, fresh, and canned fruit juices, frozen fruit juice concentrate, fresh canned vegetable juices, fruit sections and fruit salads, in refrigerated vehicles (except in bulk), from the facilities of Citrus Central, Inc., at Bartow, Winter Haven, Haines City, Lakeland, Howey-in-the-Hills, Plymouth, Eustis, and Umatilla, FL, to points in IL, KY, MI, MN, OH, TN, and WI. (Hearing site: Jacksonville or Miami, FL.)

MC 148183 (Sub-12F), filed November 6, 1979. Applicant: ARROW TRUCK LINES, INC., P.O. Box 432, Gainesville, GA 30501. Representative: Pauline E. Myers, Suite 348-Pennsylvania Bldg., 425-13th St., N.W., Washington, DC 20004. Transporting cheese and cheese products (except frozen or in bulk), from Plymouth, WI, to points in AL, FL, GA, NC, and SC. (Hearing site: Washington, DC or Atlanta, GA.)


MC 148212 (Sub-1F), filed November 26, 1979. Applicant: LAURENCE M. DARNELL (a) LENA-LEASING CO., Box 222, Fairview Village, PA 19409. Representative: Harris T. Bock, 1915 Three Penn Center Plaza, Philadelphia, PA 19103. Transporting fish, in tank vehicles, between Washingtonville Borough and Machips Township, PA, on the one hand, and, on the other, points in DE, MD, NJ, VA, WV, NY, CT, RI, MA, OH, DC, and between Trenton, NJ, on the one hand, and, on the other, points in PA, DE, MD, VA, WV, NY, CT, RI, MA, OH, and DC. (Hearing site: Philadelphia, PA.)

MC 148332 (Sub-1F), filed November 18, 1979. Applicant: R & B TRUCKING CO., INC., P.O. Box 1381, Millport, AL 35576. Representative: Ronald L. Stichweb, 727 Frank Nelson Bldg., Birmingham, AL 35203. Transporting forest products and lumber mill products, (1) from Fulton, MS, and points in Lamar County, AL, to those points in the United States in and east of TX, OK, KS, NE, IA, and MN, and (2) from Points in GA, MS, and SC, to points in Lamar County, AL. (Hearing site: Birmingham or Tuscaloosa, AL.)

MC 148393 (Sub-3F), filed November 15, 1979. Applicant: ABLE EXPRESS CO., INC., 2170 Buck Street, Cincinnati, OH 43214. Representative: Jerry B. 

Federal Register / Vol. 45, No. 59 / Tuesday, March 25, 1980 / Notices
Applicant: ROBERT L.

Transporting rendered tankage, meat and bone meal

Minneapolis, MN.)

Representative: Andrew Jay Burholder,
bulk, and those requiring special
explosives, household goods as defined
by the Commission, commodities in
bulk, and those requiring special
equipment), between Cincinnati, OH, on the one hand, and, on the other,
Baltimore, MD, Philadelphia, PA, and
New York, NY restricted to traffic
moving on bills of lading issued by
shippers cooperative association as
defined in 49 U.S.C. 10526(e). (Hearing
cite: Columbus, OH or Washington, DC.)

MC 146512 (Sub-2P), filed December 3,
1979. Applicant: WESTERN TANK LINE,
INC., 2222 North 11th Street, Omaha,
NE 68110. Representative: Donald L. Stern,
Suite 610, 7171 Mercy Road, Omaha,
NE 68105. Transporting liquid petroleum
gases, in bulk, in tank vehicles, from
points in IN to points in MN and SD.
(Hearing cite: Omaha, NE or
Minneapolis, MN.)

MC 146635F, filed November 14, 1979.
Applicant: RONALD J. VASEK
TRUCKING, INC., P.O. Box 591,
Hereford, TX 79045. Representative:
Richard Hubbert, P.O. Box 102365,
Lubbock, TX 79408. Transporting (1)
meat and bone meal and (2) dry
rendered tankage, in bulk, from points in
Hale and Parmer Counties, TX, to points in
AR, KS, OK, and MO. (Hearing cite:
Wichita, KS, or Amarillo, TX.)

MC 146635F, filed November 14, 1979.
Applicant: EAST SIDE MOVERS, INC.,
251 Freeman St., Brooklyn, NY 11222.
Representative: Arthur J. Piken, 95–25
Queens Blvd, Rego Park, NY 11374.
Transporting furniture, between New
York, NY, on the one hand, and, on the
other, points in IA, MO, IA, MN, SD, NY,
ME, NH, VT, MA, RI, and DC. (Hearing
cite: New York, NY.)

MC 147093 (Sub-2P), filed December
21, 1979. Applicant: M & L MESSINGER
SERVICE, INC., Jewel Lane, New
Fairfield, CT 06810. Representative:
George A. Olsen, P.O. Box 357,
Gladstone, NJ 07934. Transporting
general commodities (except those of
unusual value, classes A and B
explosives, household goods as defined
by the Commission, commodities in
bulk, and those requiring special
equipment), between points in CT, on
the one hand, and, on the other, points
in MA, NH, NJ, NY, PA, and RI. (Hearing
cite: Hartford, CT or New
York, NY.)

MC 149322F, filed September 13, 1979.
Applicant: ROBERT L. SMITH, 315 Allen
Street, Alma, MI 48801. Representative:
Andrew Jay Burholder, 739 East State
Street. Transporting iron and steel
articles from the facilities of Armco, Inc., or near South Bend, IN to points
in MI and OH.) (Hearing cite: Columbus,
OH)

MC 141123 (Sub-50F), filed November
29, 1979. Applicant: Herman R. Ewell,
Inc., East Earl, PA 17519. Representative:
J. Bruce Walter, 410 North Third Street,
P.O. Box 1146, Harrisburg, PA 17108.
Contract carrier transporting vegetable
oils, animal oils and animal fats; vegetable
oil products, animal oil products and
animal fat products; and blends of the
named commodities, between Philadelphia, PA, on the same
hand, and, on the other, points in NJ, DE,
MD, VA, ME, NH, VT, MA, CT, RI, NY,
WV, KY, NC, SC, GA, FL, AL, MS, TN,
OH, IN, IL, MI and WI, under continuing
contract(s) with C. F. Simonin's Sons,
Inc., of Philadelphia, PA. (Hearing cite:
Harrisburg, PA or Washington, DC.)

MC 153213 (Sub-19F), filed July 2,
GOOD TRANSPORTATION, P.O. Box
335, 630 Showalter Ave., Lovell, WY
82431. Representative: John T. Wirth,
717–17th St. Suite 2600, Denver, CO
80220. Contract carrier transporting
gypsum, gypsum wall board, joint
compounds, and materials and supplies
used in the application of the named
commodities (except commodities in
bulk), (1) from the facilities of Georgia-
Pacific Corporation at or near Acme, TX,
points in CO; (2) from the facilities of
Georgia-Pacific Corporation at or near
Lovell, WY, to points in MT, under
continuing contract(s) with Georgia-
Pacific Corporation, of Portland, OR.
(Hearing cite: Portland, OR.)

MC 146893 (Sub-7F), filed November
27, 1979. Applicant: BROWN
TRANSPORT, INC., Box 327A; R.R.
#3, West Alexandria, OH 45381.
Representative: Stephen J. Heisley,
88 E. Broad St., Columbus, OH 43215.
Contract carrier. Transporting slag
(except scrap metal, in bulk in dump
vehicles) from the facilities of Gibbco at
Lawrenceburg, IN to the facilities of
Georgia-Pacific Corporation at Franklin,
OH, under continuing contract(s) with
Georgia-Pacific Corporation, Gypsum
Division, of Rosemont, PA. (Hearing cite:
Cincinnati, OH.)

MC 147033 (Sub-3F), filed May 9, 1979.
Applicant: STORY, INC., Route #1, Box
122, Hanager, AL 35978. Representative:
George M. Boles, 772 Frank Nelson
Bldg., Birmingham, AL 35203. Contract
carrier transporting such commodities
as are dealt in or used by grocery
houses, drugstores and variety stores,
between the facilities of Peyton's
Southeastern, Inc., at or near Cleveland,
TN, on the one hand, and, on the other,
points in AL, AR, GA, KY, MS, NC, SC,
OH, TN, TX, WV, WI, IN, and MO,
under continuing contract(s) with
Peyton's Southeastern, Inc., of
Cleveland, TN. (Hearing cite:
Birmingham, AL.)

Note.—Dual operations may be involved.

MC 147543 (Sub-2F), filed November
28, 1979. Applicant: L & M TRUCKING,
INC., 28 12th St., Lukewood, NJ 07070.
Representative: Harold L. Reckson, 33–
Contract carrier transporting rough iron
forgings or castings, from Easton and
Forks Twp., PA, to Littleton, MA, under
continuing contract(s) with Victaulic
Company of America, of S. Plainfield,
NJ. (Hearing cite: New York, NY or
Newark, NJ.)

MC 148283 (Sub-1F), filed November
21, 1979. Applicant: ABC
TRANSPORTATION COMPANY, a
 corporation, State Docks Road, Eufaula,
AL 36027. Representative: E. Stephen
Heisley, 805 McLachlen Bank Building,
665 Eleventh Street, NW, Washington,
DC 20001. Contract carrier transporting
(1) metal surface condensers, feedwater
heaters, and moisture separator
reheaters; (2) parts and accessories
for the commodities in (1); and (3)
materials, equipment, and supplies
(except in bulk), used in the
manufacture and distribution of the
commodities in (1), between the
facilities of Southwestern Engineering
Company at or near Charleston,
Kanawha County, WV; Joplin, Jasper
County, MO; and Los Angeles, Los
Angeles County, CA, on the one hand,
and, on the other, points in the US
(except AK and HI), under continuing
contract(s) with Southwestern
Engineering Company of Los Angeles,
CA. (Hearing cite: Birmingham, AL.)

MC 148283 (Sub-4F), filed November
21, 1979. Applicant: ABC
TRANSPORTATION COMPANY, a
 corporation, State Docks Road, Eufaula,
AL 36027. Representative: E. Stephen
Heisley, 805 McLachlen Bank Building,
665 Eleventh Street, NW, Washington,
DC 20001. Contract carrier transporting
(1) metal livestock feeding and watering
equipment; (3) parts and accessories for
the commodities in (1); and (3)
materials, equipment and supplies
(except in bulk) used in the
manufacture and distribution of the
commodities in (1), between the
facilities of Hawkeye Steel Products, Inc., and Marlor, Inc., at
or near Waterloo, and Council Bluffs,
IA, on the one hand, and, on the other,
points in the US (except AK and HI),
continuing contract(s) with Hawkeye
Steel Products, Inc., of
Waterloo, IA, and Marlor, Inc., of
Council Bluffs, IA. (Hearing cite:
Birmingham, AL.)
MC 149332 F, filed October 18, 1979. Applicant: MIDWAY CARTAGE, INC., 4900 S. Merrimac Ave., Chicago, IL 60638. Representative: Joel H. Steiner, 39 South LaSalle St., Chicago, IL 60603. Contract carrier transporting aluminum articles (except in bulk), from the facilities of Reynolds Metals Co., at McCook, IL, to points in MI, OH, KY, TN, IA, WI, MN, and MD, under continuing contract(s) with Reynolds Metals Company, of Richmond, VA. (Hearing site: Chicago, IL.)

Volume No. 82

Decided: March 1, 1980.

By the Commission, Review Board Number 3, Members Parker, Forster and Hill.

MC 28396 (Sub-332F), filed October 23, 1979. Applicant: THE WAGGONERS TRUCKING, a Corporation, P.O. Box 31357, Billings, MT 59107. Representative: Barbara S. George (same address as applicant). Transporting chemicals and additives (except commodities in bulk), from points in the US (except AK and HI) to ports of entry on the international boundary line between US and Canada, in MN, ND, MT, ID, and WA. (Hearing site: Indianapolis, IN, or Billings, MT.)

MC 28396 (Sub-332F), filed November 2, 1979. Applicant: THE WAGGONERS TRUCKING, a Corporation, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting canned and preserved foodstuffs, from the facilities of Heinz U.S.A. at or near Muscatine and Iowa City, IA, and Fremont and Toledo, OH, to points in TX, restricted to the transportation of traffic originating at the named origins and destined to the named destinations (Hearing site: Philadelphia, PA, or Billings, MT.)

MC 28396 (Sub-334F), filed November 6, 1979. Applicant: THE WAGGONERS TRUCKING, a Corporation, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting corn flour, starch, and sealing compounds, (except in bulk, in tank vehicles), from McPherson, KS, to points in CO, ID, LA, MN, MT, NV, ND, OK, TX, UT, and WV. (Hearing site: Minneapolis, MN, or Billings, MT.)

MC 28396 (Sub-335F), filed November 6, 1979. Applicant: THE WAGGONERS TRUCKING, a Corporation, P.O. Box 31357, Billings, Montana 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebraska 68501. Transporting lumber, lumber products and wood products, from points in Flathead and Lake Counties, MT, to points in NC, PA, VA, and WV. (Hearing site: Billings, MT.)

MC 41116 (Sub-73F), filed December 13, 1979. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, LA 70525. Representative: Austin L. Hatchett, 801 Vaughn Bldg., Austin, TX 78701. Contract carrier, transporting (1) paper and paper products, and (2) materials, and supplies used in the manufacture, sale and distribution of the foregoing commodities, (except in bulk), between Dallas, TX, and Cincinnati, OH, on the one hand, and, on the other, points in AL, AR, CO, FL, GA, IL, IN, KS, KY, LA, MS, MO, NE, NM, OH, OK, TN, and TX, under continuing contract(s) with Angleboard, Inc. (Hearing site: Cincinnati, OH, or Dallas, TX.)

MC 42146 (Sub-27F), filed November 16, 1979. Applicant: A. C. BOONE COMPANY, a Delaware Corporation, 1812 W. Morehead St., Charlotte, NC 28268. Representative: Floyd C. Hartse (same address as applicant). Contract carrier, transporting such commodities as are dealt in by wholesale, retail, and chain business houses and materials, equipment, and supplies, and used in the conduct of such business, between points in NC, GA, TN, KY, WV, IN, MO, IL, MI, MS, AR, LA, AL, FL, PA, MD, DE, NJ, NY, OH, and TX, under continuing contract(s) with the Kroger Co. (Hearing site: Charlotte, NC, or Atlanta, GA.)

MC 51148 (Sub-777F), filed October 22, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Neil A. DuJardin (same address as applicant). Transporting such commodities as are dealt in, or used by, manufacturers or converters of paper and paper products (except commodities in bulk) between the facilities of The Mead Corporation at Otsego, MI on the one hand, and, on the other, points in the US (except AK and HI), restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Chicago, IL.)

MC 66247 (Sub-24F), filed October 18, 1979. Applicant: I.C.L. INTERNATIONAL CARRIERS LIMITED, 1333 College Ave., Windsor, Ontario, Canada N9C 3J9. Representative: John P. Allen, 7701 West Jefferson, Detroit, MI 48209. Transporting, in foreign commerce only, steel bars and billets, and used refractory brick in dump vehicles, between Chicago, IL, and Gary, IN, on the one hand, and, on the other, points of entry on the international boundary of the United States and Canada, at Detroit and Port Huron, MI. (Hearing site: Detroit, MI, or Chicago, IL.)


MC 105457 (Sub-101F), filed December 4, 1979. Applicant: THURSTON MOTOR LINES, INC., 600 Johnston Rd., Charlotte, NC 28206. Representative: John V. Luckado (same address as applicant). Regular routes, transporting general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment). 1. Between Memphis, TN, and Little Rock, AR, over US Hwy 70 (also over Interstate Hwy 40), serving all intermediate points in AR between Little Rock and the Prairie-Monroe County line, and serving Stuttgart, AR, and points in Conway, Faulkner, Grant, Jefferson, Lonoke, Pulaski, Saline and White Counties, AR, as off-route points in connection with the above routes. 2. Between Little Rock, AR and Texarkana, TX, over US Hwy 67 (also over Interstate Hwy 40), serving all intermediate points in AR between Little Rock and the Saline-Hot Springs County line, and serving Texarkana for joinder purposes only. 3. Between Texarkana, TX, and Ft. Worth, TX from Texarkana over US Hwy 67 (also over Interstate Hwy 30) to junction Interstate Hwy 20, then over Interstate Hwy 20, to Ft. Worth and return over the same route, serving all intermediate points in TX between Ft. Worth and the Hunt-Hopkins County line and serving Texarkana for joinder purposes only. 4. Between Texarkana, TX and Galveston, TX from Texarkana over US Hwy 39 to Houston, then over US Hwy 75 to Galveston, serving all intermediate points between Houston and Galveston, and serving Texarkana for joinder purposes only. 5. Between Dallas, TX and Houston, TX, over US Hwy 75 (also over Interstate Hwy 45), to serving Corsicana as an intermediate point. 6. Between Atlanta, GA and Jackson, MS, over Interstate Hwy 20, no intermediate points and serving Jackson for joinder purposes only. 7. Between
Jackson, MS and Dallas, TX, over Interstate Hwy 20, serving no intermediate points. Transporting Jackson for joinder purposes only. Between Atlanta, GA to Mobile, AL; from Atlanta over Interstate Hwy 85 to junction Interstate Hwy 65, then over Interstate Hwy 65 to junction Interstate Hwy 10, then over Interstate Hwy 10 to Mobile and return over the same route, serving no intermediate points and serving Mobile for joinder purposes only. Between Mobile, AL and Houston, TX, over Interstate Hwy 10, serving the intermediate points of Beaumont and Orange, TX and serving Mobile for joinder purposes only. 10. Serving points in Collin, Dallas, Denton, Ellis, Galveston, Harris, Hunt, Jefferson, Johnson, Kaufman, Orange, Rockwall and Tarrant Counties, TX, as off-route points in described routes [a] through [f] above. 11. Authority is sought [a] to operate over all combinations of routes described above and (b) to join the operating authority sought herein with applicant's existing authority and thereafter perform a through service. Charlotte, NC, Little Rock, AR, Dallas, TX.

MC 107490 (Sub-125F), filed June 18, 1979. Applicant: RUAN TRANSPORT CORPORATION, 686 Cramd Ave., Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Transporting (1) pullpulp liquid, in bulk, from Mosinee, WI, to points in FL and GA, (2) aluminium sulphate, in bulk, from (a) Wisconsin Rapids, WI, to Dubuque, IA, and (b) from Menasha, WI, to Republic, MI, (3) liquid citric acid, in bulk, from Elkhart, IN, to points in TX, and (4) synthetic liquid resin, from Sheboygan, WI, to points in IL, IN, MI, MN, IA, and MO. (Hearing site: Chicago, IL, or Des Moines, IA.)

MC 109397 (Sub-477F), filed October 1, 1979. Applicant: TRI-STATE MOTOR TRANSIT CO., a Corporation, P.O. Box 113, Joliet, MO 68801. Representative: Max G. Morgan, P.O. Box 1540, Edmond, OK 73034. Transporting explosives, blasting agents, blasting materials and supplies, from Swabak, MN, to points in CT, DE, MA, ME, MD, NH, NJ, NY, PA, RI, VA, VT, and WV. CONDITION: To the extent the certificate granted in this proceeding authorizes the transportation of classes A and B explosives, it will expire 5 years from the date of issuance. (Hearing site: Washington, DC.)

MC 109397 (Sub-490F), filed December 10, 1979. Applicant: TRI-STATE MOTOR TRANSIT CO., A Delaware Corporation, P.O. Box 113, Joliet, MO 68801. Representative: A. N. Jacobs (same address as applicant). Transporting metal pipe, metal sheet, metal plate, billet, metal strips, and metal bars, from points in Weber County, UT, to points in Utah. Also containing (except AK and HI) restricted to the transportation of traffic originating at the facilities of Western Zirconium, Inc. (Hearing site: Salt Lake City, UT.)

MC 111687 (Sub-38F), filed November 9, 1979. Applicant: BEN RUEGSEGGER TRUCKING SERVICE, INC., Rt. No. 1, Kawakuni, MI 49631. Representative: Benjamin H. Ruegsegger (same address as applicant). Transporting malt beverages, from Newport, KY and Evansville, IN, to points in MI. (Hearing site: LaCrosse, WI, or Chicago, IL.)


MC 115357 (Sub-23F), filed October 1, 1979. Applicant: CHARLES A. McCauley, 368 Leisure Way, New Bethlehem, PA 18242. Representative: Larry D. McCauley (same address as applicant). Transporting coal, coke, and coal tar pitches, from Salem, NJ, to points in PA and NY. (Hearing site: Washington, DC.)

MC 118808 (Sub-71F), filed December 28, 1979. Applicant: ARNOLD BROS. TRANSPORT LTD., Suite 200, 851 Lagimodiere Blvd., Winnipeg, Manitoba, Canada R2J3K. Representative: Bernard J. Kompare, Suite 1600, 10 S. LaSalle St., Chicago, IL 60603. Transporting, in foreign commerce only (1) lawn and garden implements, and (2) parts and attachments for lawn and garden implements, from the facilities of J. L. Case Co. at or near Winnecase, WI, to ports of entry on the international boundary line between the United States and Canada, in ND, MN, and MI, restricted to the transportation of traffic originating at the above-named origin. (Hearing site: Chicago, IL.)

MC 123407 (Sub-621F), filed November 14, 1979. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Rt. 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). Transporting flat glass, from the facilities of M. L. Burke Company, at or near Cornwells Heights, PA, to points in the US (except AK and HI). (Hearing site: Washington, DC.)

MC 125777 (Sub-265F), filed December 10, 1979. Applicant: JACK GRAY TRANSPORT, INC., 4500 East 13th Ave., Gary, IN 46404. Representative: Allan C. Zuckerman, 39 So. LaSalle St., Chicago IL 60603. Transporting slag, ferric sulphate, and iron ore concentrates, in dump vehicles, from Copperhill, TN, to points in the US in and east of MN, IA, NE, KS, OK, and TX. (Hearing site: Chicago, IL.)

MC 139908 (Sub-99F), filed November 2, 1979. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, 2150 West 2200 So., P.O. Box 30303, Salt Lake City, UT 84125. Representative: Richard A. Peterson, 521 So. 14th St., P.O. Box 81049, Lincoln, NE 68501. Transporting slides, films, and slide and film viewers and projectors, and materials, equipment and supplies used in the manufacture, sale, distribution or operation of the foregoing commodities, (except in bulk), from the facilities of GAP Corporation, at or near Portland, OR, to Binghamton, NY, Clifton and Paliades, NJ, and Atlanta, GA. (Hearing site: Lincoln, NE, or Salt Lake City, UT.) Note—Dual operators may be involved.

MC 142125 (Sub-57F), filed December 13, 1979. Applicant: FOAM TRANSPORT, INC., 201 Ballardvale St., Wilmington, MA 01887. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Contract carrier, transporting expanded polystyrene and rubberized coils, from South Plainfield, NJ to points in MS, NH, VT, MA, CT, RI, and NY under continuing contract(s) with Blockson & Company, South Plainfield, NJ. (Hearing site: Boston, MA, or New York, NY.)

MC 144547 (Sub-7F), filed December 26, 1979. Applicant: DURA-VENT TRANSPORT CORPORATION, 2255 El Camino Real, Redwood City, CA 94063. Representative: Barry Roberts, 888 17th St., NW., Washington, DC 20006. Contract carrier, transporting vent pipe and fittings, flashings, chimney assemblies, stovepipes, woodburning fireplaces and stoves, from Vicksburg, MS, to points in the US (except AK and HI), under continuing contract(s) with Dura-Vent Corporation, of Redwood City, CA. (Hearing site: Washington, DC.)

MC 144556 (Sub-8F), filed June 17, 1979. Applicant: WALTER SHORT AGENCY, INC., 5000 Wyoming, Dearborn, MI 48128. Representative: Edwin M. Snyder, 3988 Haggerty Rd., P.O. Box 400, Northville, MI 48179. Transporting iron rotary blowers and
gear and speed increasing and reducing machines, and parts for all the foregoing commodities, from the facilities of American Standard Industrial Division, at or near Dearborn, MI, to points in LA, TX, AR, KY, TN, NC SC, VA, WV, GA, FL, AL, and MS. (Hearing site: Detroit, MI, or Chicago, IL.)


MC 147807 (Sub-3F), filed September 25, 1979. Applicant: J. C. ROSS, d.b.a. ROSS TRUCKING COMPANY, Rt. 3, John Hall Rd., Knoxville, TN 37920. Representative: John J. Duncan, Jr., Suite 355, City and County Bank, One Regency Plaza, Nashville, TN 37211. Transporting (1) lumber, wood chips, and cross ties, from the facilities of Tenn-land Wolf, Inc., at or near Knoxville, TN, to points in AL, GA, KY, NC, SC, and VA, (2) lumber and wood chips, from the facilities of East Tennessee Stave & Heading Co., at Knoxville, TN, to points in AL, GA, KY, NC, SC, and VA, and (3) lumber, from the facilities of Stewart Lumber Co., Inc., Emmett Vaughn Lumber Company, and Arthur Wright Lumber Company, at or near Knoxville, TN, to points in AL, GA, KY, NC, SC, and VA. (Hearing site: Knoxville, TN.)

MC 148117 (Sub-1F), filed November 14, 1979. Applicant: CABELL TRANSPORT, INC., P.O. Box 350, Cabool, MO 65689. Representative: Jack H. Blanahan, Suite 200, 225 West Toyuhe Ave., Park Ride, IL 60058. Transporting fruit juices and fruit juice concentrates, in bulk, between Springfield, AR, Brocton, Naples and Westfield, NY, Lawton, MI, North East, PA, and Grandview and Kennewick, WA. (Hearing site: Chicago, IL, or Washington, DC.)

MC 148157 (Sub-2F), filed October 18, 1979. Applicant: LINEHAUL EXPRESS CORPORATION, P.O. Box 5076, Manchester, NH 03108. Representative: Gregg M. Lewis (same address as applicant). Transporting plastic articles and equipment and supplies used or useful in the manufacture of plastic materials, in vehicles equipped with mechanical refrigeration, (except commodities in bulk, in tank vehicles), between the facilities of Borden Chemical Company, Division of Borden, Inc., at points in MA, NY, NJ, MD, VA, NC, GA, FL, TX, IL, OH, MN, CA, and WA, on the one hand, and, on the other, points in the U.S. (except AK and HI). (Hearing site: Concord, NH, or Boston, MA.)

MC 14900F, filed December 27, 1979. Applicant: SEAPORT TRANSPORTATION COMPANY, a corporation, 312 West End, Detroit, MI 48229. Representative: Alex J. Miller. P.O. Box 244, 1520 No. Woodward Ave., Bloomfield Hills, MI 48013. Transporting general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Chicago, IL, on the one hand, and, on the other, points in MI bounded by and including those points on and east of US Hwy 127 commencing at the MI-OH state line and extending north to the intersection of US Hwy 127 and US Hwy 27, those points on and east of US Hwy 27 extending from the intersection of US Hwy 127 and 27 to the intersection of US Hwy 27 and US Hwy 10, those points on and south of US Hwy 10 beginning at the intersection of US Hwy 27 and US Hwy 10 extending east to US Hwy 10 at Bay City, MI, to Saginaw Bay, and those points otherwise encompassed by the water boundaries of MI including the Saginaw Bay, Lake Huron, St. Clair River, Lake St. Clair, Detroit River and Lake Erie back to the MI-OH state lines, restricted to the transportation of traffic having prior or subsequent movement by rail in rail owned or operated trailers. (Hearing site: Detroit, MI, or Chicago, IL.)

MC 14905F, filed December 21, 1979. Applicant: COLUMBIA BASIN TRUCKING CORPORATION, P.O. Box 1181, Pasco, WA 99301. Representative: David C. White, 2400 SW Fourth Ave., Portland, OR 97201. Transporting general commodities (except those of unusual value, classes A and B explosives and household goods as defined by the Commission), in containers or in trailers, having a prior or subsequent movement by air, rail or water, and empty containers, trailers and trailer chassis, between points in Asotin, Benton, Franklin, Yakima, Walla Walla and Whitman Counties, WA, Umatilla and Morrow Counties, OR, and points in ID, on the one hand, and, on the other, points in Adams, Asotin, Benton, Columbia, Franklin, Garfield, Grant, Lincoln, Spokane, Walla Walla, Whitman and Yakima Counties, WA, Baker, Gilliam, Malheur, Morrow, Sherman, Umatilla, Union and Wallowa Counties, OR, and points in ID. (Hearing site: Pasco, WA.)

MC 149276F, filed August 31, 1979, December 18, 1979. Applicant: SIMPSON AND LANE SCHOOL BUS LTD., 472, 25th Street, Battleford, Saskatchewan, Canada. Representative: Horst H. Dahlme, 1156, 100th Street, North
Battleford, Saskatchewan, Canada, S9A OV3. Contract carrier, transporting passengers and their baggage, in the same vehicle with passengers, in special and charter operations, beginning and ending at points of entry on the international boundary line between the United States and Canada, and extending to points in the United States (including AK but not excluding HI). (Hearing site: Billings, MT or Minot, ND.)

Volume No. 89

Decided: February 24, 1980.

By the Commission. (Review Board Number 1, Members Carleton, Joyce and Jones.)

MC 41116 (Sub-71F), filed November 28, 1979. Applicant: FOLEGIAN TRUCK LINE, INC., P.O. Box 2399, Crowley, LA 70528. Representative: Austin L. Hatchel, P.E., Box 2165, Austin, TX 78768. Contract carrier, transporting (1) wrapping paper, pulpboard, multivall paper bags and poly film, and (2) materials and supplies used in the manufacture and distribution of the commodities named in (1) above (except in bulk), between the facilities of International Paper Co., at Oswego, NY, to points in the United States (except AK and HI). (Hearing site: Dallas, TX, or Little Rock, AR.)

MC 41293 (Sub-27F), filed November 28, 1979. Applicant: FLEET CARRIER CORPORATION, 525 South Boulevard East, Pontiac, MI 48053. Representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Transporting motor vehicles, from Fort Wayne, IN, and Springfield, OH, to points and places in the United States (except AK and HI). (Hearing site: Chicago, IL, or Detroit, MI.)

MC 42487 (Sub-958F), filed November 28, 1979. Applicant: CONSOLIDATED FREIGHTWAYS, CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. Over regular routes, transporting general commodities, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), (1) Between Wilmington, DE and Salisbury, MD, over U.S. Hwy 13, (2) Between Washington, DC, and Salisbury, MD, over U.S. Hwy 50, (3) Between Baltimore, MD and junction MD Hwy 2 and U.S. Hwy 50, over MD Hwy 2, (4) Between junction U.S. Hwy 113 and U.S. Hwy 13 (near Dover, DE) over U.S. Hwy 13 to Junction U.S. Hwy 13 (at near Pocomoke City, MD), then over U.S. Hwy 13 to Salisbury, and return over the same route. (5) Between junction U.S. Hwy 50 and U.S. Hwy 301 (at near Queenstown, MD) and junction DE Hwy 299 and U.S. Hwy 13 (at near Odessa, DE) from junction U.S. Hwy 50 and U.S. Hwy 301 (at near Queenstown, MD) over U.S. Hwy 301 to junction DE Hwy 299 (at or near Middletown, DE), then over DE Hwy 299 to Junction DE Hwy 299 and U.S. Hwy 13 (at or near Odessa, DE), and return over the same route. (6) Between Ocean City, MD and junction MD Hwy 1 and U.S. Hwy 113 (near Milford, DE); From Ocean City over MD Hwy 528 to the MD-DE state line, then over MD Hwy 1 to junction MD Hwy 1 and U.S. Hwy 113, (near Milford, DE) and return over the same route. (7) Between Ocean City, MD and junction U.S. Hwy 50 and U.S. Hwy 113 (near Berlin, MD), over U.S. Hwy 50. Serving all intermediate points in connection with the routes described in (1) to (7) above and all points in Kent, New Castle, Sussex Counties, DE, and Caroline, Cecil, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico and Worcester Counties, MD, as either intermediate or off-route points. (Hearing site: Washington, DC.)

Note.—Applicant intends to tack the authorities described above. Also, applicant intends to tack its existing authority and any authority it may acquire in the future.

MC 48446 (Sub-4F), filed November 28, 1979. Applicant: JOHNSON TRUCK SERVICE, INC., 537 South Watertown Street, Waupun, WI 53963. Representative: Rolfe E. Hanson, 121 West Doty Street, Madison, WI 53703. Over regular routes, transporting general commodities, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Beaver Dam, WI and Milwaukee, WI, from Beaver Dam over U.S. Hwy 151 to its junction with WI Hwy 26, then over WI Hwy 26 to its junction with WI Hwy 60, then over WI Hwy 60 to its junction with WI Hwy 175, then over WI Hwy 175 to Milwaukee, and return over the same route, serving all intermediate points and the off-route point of Waupun, WI. (Hearing site: Madison or Milwaukee, WI)

MC 61146 (Sub-782F) filed November 27, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Neil A. Dujardin (same address as applicant). Transporting electrical and gas appliances, parts of electrical and gas appliances, and equipment, materials, and supplies used in the manufacture, distribution, and repair of electrical and gas appliances, (1) from the facilities of Whirlpool Corporation at Mariton, OH to points in the U.S. in and east of MN, IA, MO, AR, and LA, and (2) from the facilities of Whirlpool Corporation at Evansville, IN to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV, and DC. (Hearing site: Chicago, IL)

MC 51246 (Sub-787F), filed November 29, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Neil A. Dujardin (same address as applicant). Transporting animal feed, feed ingredients, additives, and materials and supplies used in the manufacture and distribution of animal feed (except commodities in bulk) between the facilities on Kal Kan Foods, Inc. at or near Mattoon, IL, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Chicago, IL)

MC 59247 (Sub-11F), filed November 25, 1979. Applicant: LINDEN MOTOR FREIGHT COMPANY, INC., 1500 Lower Rd., Linden, NJ 07036. Representative: William Biederman, 371 Seventh Ave., New York, NY 10001. Transporting dry caustic potash, in packages, and plastics and plastic materials, from the facilities of Diamond Shamrock Corporation, at New Castle and Delaware City, DE, to points in CT, RI, MA, NJ, those in NY on east and south of a line beginning at the NY- VT State line and extending over NY Hwy 7 to junction US Hwy 11, and then over US Hwy 11 to the NY-PA State line, and those in PA on east of a line beginning at the NY-PA State line and extending along US Hwy 11 to Harrisburg, PA, then along Interstate Hwy 83 to York, PA, then along unnumbered Hwy (formerly portion of U.S. Hwy 111) to the PA-MD State line. (Hearing site: New York, NY, or Washington, DC.)

MC 59336 (Sub-23F), filed November 26, 1979. Applicant: U.S. TRUCK COMPANY, INC., 2250 24th Street, Detroit, MI 48216. Representative: Wilber M. Brucker, Jr., 38th Floor, City National Bank Building, Detroit, MI 48216. Over regular routes, transporting general commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Muskegon and Owosso, MI from Muskegon over Interstate Hwy 96 to Junction MI.
products, materials and supplies
MN, NE, ND, SD, parts and accessories
receiving containers and carts, and
Webster City, KY. and MO. (Hearing site: Chicago,
TRUCKING, INC., North Little Rock, AR, and Conway,
intermediate points, and (2) between
Hwys applicant). Transporting
all intermediate points. (Hearing site:
then over Interstate Hwy 40 to Conway,
to its junction with Interstate Hwy 40,
commodities in bulk and those
(except those of unusual value, classes
transporting general
North Broadway;Suite
Representative: Joseph E. Rebman, 314
South Fourth Street,
FORWARDING COMPANY, INC., 2600
plastic articles
and B explosives, household goods as
by
Representative: Morton
Avenue, Valley Stream, NY 11580.
TRANSFER,
27, 1979. (Hearing site: Denver,
MC 109397 (Sub-23F), filed November
124887 (Sub-23F), filed November
(Hearing site: Chicago, IL]
Applicant: J. BONSAK
TRANSPORT.
27, 1979. Applicant: BONSAK
TRANSPORT, INC., Sawyer Center, Rt.
Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). Transporting wooden and plastic articles from the facilities of Abitibi Corporation at or near Middlebury, IN, to points in the United States (except AK and HI). (Hearing site: Chesterton, IN.)
MC 124857 (Sub-23F), filed November 7, 1979. Applicant: EARL L. BONSAK and ELAINE M. BONSAK, a partnership, d/b/a EARL L. BONSAK, 512 West Plainview Rd., LaCrosse, WI 54601. Representative: Joseph E. Ludden, 324 Exchange Bldg., P.O. Box 1567, LaCrosse, WI 54601. Contract carrier, transporting wood and fibre cutting material, from Aurora, IL to Madison, WI, under continuing contract(s) with Aurora Container Corp., of Aurora, IL. (Hearing site: Chicago, IL, or Madison WI.)
MC 125506 (Sub-33F), filed November 13, 1979. Applicant: JOSEPH ELETTRO TRANSFER, INC., 33 W. Hawthorne Avenue, Valley Stream, NY 11580. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10049. Contract carrier, transporting such merchandise as is dealt in by retail department stores (except in bulk), between New York, NY and points in NJ, on the one hand, and, on the other, points in NJ and PA, under a continuing contract(s) with Gimbel Bros. Inc. of Philadelphia, PA. (Hearing site: Philadelphia, PA.)
MC 126276 (Sub-210F), filed November 26, 1979. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, IL 60513. Representative: Albert A. Andrin, 160 North La Salle Street, Chicago, IL 60601. Contract carrier, transporting Containers, container ends and closures, container accessories and paper and plastic articles, and materials, equipment and supplies used in the manufacture, sale and distribution of containers, container ends and closure and container accessories and paper and plastic articles (except commodities in bulk and those which, because of size or weight, require the use of special equipment), between points in the United States (except AK and HI), under continuing contract(s) with American Can Company, of Greenwich, CT. (Hearing site: Washington, DC.)
carrier transporting meat products, meat by products and articles distributed by meat packers as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Beef Nebraska, Inc., at Omaha, NE, to points in NY, NJ, PA, DE, RI, NH, MA, ME, CT, IL, IN, OH and DC, under continuing contract(s) with Beef Nebraska, Inc., of Omaha, NE. (Hearing site: Omaha, NE.)

MC 135326 (Sub-24F), filed November 27, 1979. Applicant: SOUTHERN GULF TRANSPORT, INC., Post Office Box 7959, Shreveport, LA 71107. Representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, TX 75210. Transporting building materials, (2) construction materials, equipment, and supplies, and (3) equipment, materials, and supplies the manufacturer, distribution, or installation of the commodities named in (1) and (2) above, between points in TX, LA, AR, and OK. Restricted against the transportation of commodities in bulk, and further restricted against the transportation of commodities which, because of size or weight, require the use of special equipment. (Hearing site: Dallas, TX.)

MC 135726 (Sub-4F), filed November 27, 1979. Applicant: INLAND CONTRACT CARRIERS, INC., 2805 Highway 143, West Bend, IN 53095. Representative: William L. Slover, Slover & Loftus, 1224 17th St., N.W., Highway 143, West Bend, IN 46593. Representative: Joseph F. Hoary, 121 So. Main St., Taylor, PA 16567. Transporting automobiles in secondary movement, between Hazelton, PA, Orlando, Cocoa Beach, St. Augustine, and Tallahassee, FL, St. Louis, MO, Lexington, KY, Atlantic City, NJ, and Fredericksburg, VA, and Lima, OH. (Hearing site: Orlando, FL.)

MC 136827 (Sub-9F), filed November 26, 1979. Applicant: CENTRAL FLORIDA COACH LINES, INC., P.O. Box 174, Mountaintop, PA 19386. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. Contract carrier, transporting new furniture, from Jacksonvile, AR, Denver, CO, Dublin, Chatsworth, Elton, and Rome, GA, Delphi, Dubois, Ferdinand, Lafayette, Tell City, IN, Louisville, KY, Benton Harbor, MI, Blue Mountain, Senatobia, Neshoba, MS, Lenoir, Thomasville, Hickory, NC, Cellina, and Canton, OH, Martinsville, Bassett, Pulaski, and So. Boston, VA, to points in MN, ND, and SD under a continuing contract(s) with Oral A. Olson, and Kordel Furniture, both of Moorhead, MN. (Hearing site: Bismarck, or Fargo, ND.)

MC 138206 (Sub-66F), filed November 20, 1979. Applicant: F.M.S. TRANSPORTATION, INC., 2584 Harley Dr., Maryland Heights, MO 63043. Representative: R. C. Mitchell (same address as applicant). Contract carrier, transporting pipe fittings, iron body valves, iron stop cock or valve boxes, brass valves, brass fittings bdls, iron meter box covers, fire hydrants and parts and materials used in the production and distribution of these commodities, between the facilities of Mueller Company, in Decatur, IL, Chattanooga, TN, Albertville, AL, and Clinton, SC, on the one hand, and, on the other points in the United States except AK and HI, under continuing contract(s) with Mueller Company, of Decatur, IL. (Hearing site: St. Louis or Jefferson City, MO.)
Manitou, OH 44255. Representative: Neal A. Jackson, 1156 15th Street, NW.,
Washington, DC 20005. Transporing plastic extrusions from Bound Brook, NJ
to points in the United States in and east of MN, IA, MO, OK, and TX. (Hearing site:
Cleveland, OH, or Washington, DC.)

MC 144787 (Sub-45F), filed November 27, 1979. Applicant: DELTA MOTOR
FREIGHT, INC., 2877 Farrisview, P.O. Box 18423, Memphis, TN 38118.
Representative: J. Max Harding, P.O. Box 82028, Lincoln, NE 68501.
Transporting 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), from Boston, MA, Cranston,
RI, and Milford, CT, and points in OH, to Dallas, Houston, and San Antonio, TX,
restricted to shipments moving on bills of lading of freight forwarders. (Hearing site:
Dallas, TX.)

MC 145516 (Sub-6F), filed November 27, 1979. Applicant: T. C. STEGALL
TRUCKING CO., INC., 8100 East Independence Blvd., Matthews, NC
28105. Representative: T. Gene Stegall, Jr. (same address as applicant).
Transporting bananas, from (1) Charleston, SC, to Salisbury, NC, and (2)
from Baltimore, MD, to Salisbury and Charlotte, NC. (Hearing site: Charlotte,
NC, or Washington, DC.)

MC 145827 (Sub-6F), filed November 27, 1979. Applicant: LONG ROCK CO.,
a Corporation, P.O. Box 188, Princeville, IL 61558. Representative: Douglas G.
Brown, The INB Center-Suite 658, One North Old State Capitol Plaza,
Springfield, IL 62701. Transporting silicon carbide and aluminum oxide,
from points in Erie County, NY, to points in IL, IN, MI, MN, OH, and WI.
(Hearing site: St. Louis, MO.)

MC 145997 (Sub-18F), filed November 28, 1979. Applicant: JEM EQUIPMENT,
INC., P.O. Box 396, Alma, AR 72921. Representative: Don Garrison, P.O. Box
386, Fayetteville, AR 72701. Transporting (1) alcoholic liquors, and (2) material
and supplies used in the manufacturing of beverage products, between points in
IL, on the one hand, and, on the other, Bardstown, Clermont, Cox's Creek,
Frankfort and Louisville, KY. (Hearing site: Pocah, IL, or Ft. Smith, AR.)

MC 146057 (Sub-4F), filed November 28, 1979. Applicant: VANS BUILDERS
SUPPLY, INC., 1422 Western Ave., Las Vegas, NV 89102. Representative: Robert
G. Harrison, 4209 James Dr., Carson City, NV 89701. Transporting building
materials from points in Clark County, NV, and Los Angeles County, CA, to
points in Marion, Lane, Multnomah and Deschutes Counties, OR. (Hearing site:
Las Vegas, NV.)

MC 146067 (Sub-7F), filed November 28, 1979. Applicant: S N W
ENTERPRISES, INC., 1 Passan Dr., Wilkes Barre, PA 18702. Representative:
Joseph F. Hoary, 121 So. Main St., Taylor, PA 18517. Transporting (1) steel
wire rope, (2) steel rods, (3) grease, (4) steel wire and (1) from Hanover
Township, PA, to Culpepper, VA, (2) from Aliquippa, PA, to Culpepper, VA,
(3) from Chicago, IL, to Culpepper, VA, and (4) from Culpepper, VA, to
Evansville, IN, Houston, TX, and Pittsburgh, PA. (Hearing site:
Washington, DC.)

MC 146087 (Sub-8F), filed November 28, 1979. Applicant: S N W
ENTERPRISES, INC., 1 Passan Dr., Wilkes Barre, PA 18702. Representative:
Joseph F. Hoary, 121 So. Main St., Taylor, PA 18517. Transporting foodstuffs
(except in bulk), (1) between Johnson City, and Brooklyn, NY,
Philadelphia and Pittsburgh, PA, Gloucester, Jersey City, and Vineiland,
NJ, and (2) from Johnson City, and Brooklyn, NY, Philadelphia, and
Pittsburgh, PA, Gloucester, Jersey City, and Vineiland, NJ, to points in FL, GA,
CA, IL, IN, KS, LA, MI, MN, NY, NC, PA, SC, TN, TX, VA, and WI.
(Hearing site: New York, NY.)

MC 147079 (Sub-6F), filed November 28, 1979. Applicant: TERESI TRUCKING
INC., 900 1/2 Victor Rd., P.O. Box 819, Lodi, CA 95240. Representative: Eldon
Transporting iron and steel articles, from Pittsburgh and Torrance, CA, to
points in AZ, CA, and NV. (Hearing site: San Francisco, or Stockton, CA.)

MC 147956 (Sub-2F), filed November 27, 1979. Applicant: BRUCE WARD
TRUCKING COMPANY, P.O. Box 105, Fort Calhoun, NE 68023. Representative:
Lanny N. Fauss, P.O. Box 2471, Fargo, ND 58106. Transporting Prestressed concrete products, from the facilities of Concrete, Inc., at Grand Forks, ND, to points in MN, SD, WI, and those in the Upper Peninsula of MI.
(Hearing site: Fargo, ND, or Minneapolis, MN.)

MC 148279 (Sub-2F), filed November 26, 1979. Applicant: SELLAND
LIVESTOCK, INC., RR 1, P.O. Box 71, Letcher, SD 57559. Representative: A. J.
Swanson, P.O. Box 1193, 305 S. Thompson Avenue, Simla, CO, 80753. Transporting such commodities as are dealt in by farm supply stores and cooperatives, grain elevators, hardware stores, and farm equipment dealers, from points in MN, WI, IL, IA, IN, NE,
KS, MO, ND, MT, CO, OK, WY, LA, TX, MI, OH, OR, WA, and CA to points in
Burl, Jerauld, Sanborn, Davison, Aurora, Hanson and Beadle Counties, SD. (Hearing site: Sioux Falls, SD or Mitchell, SD.)

MC 148667F, filed November 27, 1979. Applicant: HOLIDAY COACH LINES,
INC., 320 Graham Ave., Eau Claire, WI 54701. Representative: Patrick Stoffers,
721 W. Columbia, Chippewa Falls, WI 54729. Transporting passengers and their baggage in the same vehicle with passengers in round-trip special and charter operations, beginning and ending at points in IA, IL, WI, CO, NM, and extending to points in the United States, including AK, but excluding HI.
(Hearing site: Eau Claire, or Chippewa Falls, WI.)

Volume No. 90
Decided: Feb. 14, 1980
By the Commission, Review Board Number 1, Members Carleton, Joyce and
Jones.

MC 11207 (Sub-508F), filed November 9, 1978. Applicant: DEATON, INC., 317
Avenue W, Post Office Box 933, Birmingham, AL 35201. Representative:
Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, D.C.
20014. Transporting (1) fiberglass pipe, fittings, valves, hydrants and (2)
accessories for the commodities described in (1) above, from the facilities of Clay Corporation near Lincoln, (Talladega County) AL to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Birmingham, AL, or Washington, DC.)

MC 11207 (Sub-511F), filed November 13, 1978. Applicant: DEATON, INC., 317
Avenue W, Post Office Box 538, Birmingham, AL 35201. Representative:
Kim D. Mann, Suite 1010, 7101
Wisconsin Avenue, Washington, D.C. 20031.
Transporting prefabricated buildings, knocked down, and materials and supplies used in the construction of prefabricated buildings between Cohuta, GA, on the one hand, and, on the other, points in AL, AR, Fl, IN, KY, LA, MS, MO, NC, OH, OK, SC, TN, TX, VA and WV. (Hearing site: Chattanooga, TN or Washington, D.C.)

MC 13067 (Sub-55F), filed November 12, 1979. Applicant: STOCKBERGER TRANSFER & STORAGE, INC., 524 Second Street, S.W., Mason City; IA 50401. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Transporting (I) Crushed glass, from Mason City, IA, to points in MN, and (2) empty barrels in the reverse direction. (Hearing site: St. Paul, MN, or Des Moines, IA.)

MC 26327 [Sub-No. 28F], filed November 9, 1979, Applicant: LEONADO TRUCK LINES, INC., 419 N.W. 23rd Avenue, Portland, OR 97210. Transporting general commodities (except classes A and B explosives) between points in the commercial zone of Portland, OR, Tacoma, WA, and Seattle, WA, restricted to the transportation of traffic having a prior or subsequent movement by water. (Hearing site: Yakima, WA.)

MC 42487 [Sub-93OF], filed July 21, 1979. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Mendlo Park, CA 94032. Representative: V. R. Oldenburg, P.O. Box 3032, Portland, OR 97226. To operate as a common carrier, by motor and/or by water, serving the intermediate points of Forrest City, Brinkley, Hazen, Carlisle, Lonoke, Little Rock, North Little Rock, Morrilton, Conway, Russellville, Clarksville; Ozark, and Van Buren, AR; From Memphis over U.S. Hwy 70 to junction Interstate Hwy 30, then over Interstate Hwy 30 to junction Interstate Hwy 40, then over Interstate Hwy 40 to junction U.S. Hwy 64, then over U.S. Hwy 64 to Fort Smith, and return over the same route. (3) Between Houston, TX and St. Louis, MO, serving the intermediate points of Texarkana, Hope, Prescott, Gurdon, Arkadelphia, Malvern, Benton, Little Rock, North Little Rock, Jacksonville, Cabot, Bald Knob, Newport, Walnut Ridge, Pocahontas, Cornning and the off-route points of Lake Catherine, Magnet, Hot Springs Beauteux, Bryant, Beebe, Searcy, Heber Springs and Piggott, AR, also serving Jones Mills plant site in connection with carrier’s regular route operations; From Houston over U.S. Hwy 59 to junction U.S. Hwy 67 to Texarkana, AR, then over U.S. Hwy 67 to St. Louis, MO and return over the same route. (4) Between Memphis, TN and Bald Knob, AR, serving the intermediate points of Earle, Wynne, McComb and Augusta, AR; From Memphis over Interstate Hwy 65 to junction U.S. Hwy 64, then over U.S. Hwy 64 to Bald Knob and return over the same route. (5) Between Little Rock, AR and Springfield, MO, over U.S. Hwy 65 serving the intermediate points of Harrison, and Conway, AR; (6) Between Memphis, TN and Springfield, MO, serving the intermediate points of Arkadelphia, Jonesboro, Walnut Ridge, Truman, and the off-route point of Paragould, AR, and serving Hardy, AR for purpose of joinder only; From Memphis over Interstate Hwy 55 to junction U.S. Hwy 63 near Gilmore, AR, then over U.S. Hwy 63 to junction U.S. Hwy 60 near Willowsprings, MO, then over U.S. Hwy 60 to junction U.S. Hwy 160 at Springfield, MO, then over U.S. Hwy 160 to junction U.S. Hwy 13, at Springfield, MO and return over the same route. (7) Between Memphis, TN and Springfield, AR, serving the intermediate points of Mountain Home, Gassville, Flippin and Yellville, and Harrison, AR and serving Gateway and Hardy, AR and the junction U.S. Hwy 167 and U.S. Hwy 162 at Ash Flat, AR for purpose of joinder only; From Memphis over Interstate Hwy 55 to junction U.S. Hwy 63 near Gilmore, AR, then over U.S. Hwy 63 to junction U.S. Hwy 62 near Hardy, AR, then over U.S. Hwy 62 to Springfield, AR, and return over the same route. (8) Applicant seeks authority to serve Osceola, AR and Blytheville, AR as intermediate points in connection with carrier’s presently authorized regular route. (9) Between Bald Knob, AR and junction U.S. Hwy 167 and U.S. Hwy 62, serving the intermediate point of Batesville and the off-route point of Magnes, AR; From Bald Knob over U.S. Hwy 167 to junction U.S. Hwy 62 at Ash Flat and return over the same route. (10) Between Brinkley, AR and junction U.S. Hwy 49 and U.S. Hwy 61, serving the intermediate points of West Helena and Helena; From Brinkley over U.S. Hwy 49 to junction U.S. Hwy 49 and U.S. Hwy 61, and return over the same route. (11) Between Memphis, TN and Magnolia, AR over the U.S. Hwy 79, serving the intermediate points of Mariana, Stuttgart, Pine Bluff, Fordyce, Camden, and the off-route point of England, AR; (12) Between Little Rock, AR and Lake Village, AR over U.S. Hwy 65, serving the intermediate points of Pine Bluff, Dumas and McGehee, AR and the off-route points of Monticello and Warren, AR; (13) Between Little Rock and El Dorado, AR over U.S. Hwy 167, intermediate point of Fordyce, AR; (14) Between Texarkana, AR and Lake Village, AR, over U.S. Hwy 82, serving the intermediate points of Magnolia, El Dorado, and Cross, AR; (15) Between Jonesboro, AR and Brinkley, AR over U.S. Hwy 49, intermediate point of Harrisburg, AR and serving Fair Oaks, AR for purpose of joinder only; Alternate routes (1) Between Memphis, TN and junction U.S. Hwy 61 and U.S. Hwy 49, serving no intermediate points as an alternate route for operating convenience only, in connection with carrier’s authorized regular route operations; From Memphis, over U.S. Hwy 61 to junction U.S. Hwy 49 and return over the same route. (2) Between Memphis, TN and New Orleans, LA, serving no Intermediate points, as an alternate route for operating convenience only, in connection with carrier’s authorized regular route operations but serving the junction U.S. Hwy 82 and Interstate Hwy 55 for purpose of joinder only; From Memphis over Interstate Hwy 55 to junction Interstate Hwy 10, then over Interstate Hwy 10 to New Orleans, and return over the same route. (3) Between Lake Village, AR and junction U.S. Hwy 82 and Interstate Hwy 55, serving no intermediate points as an alternate route for operating convenience only, in connection with carrier’s authorized regular route operations; From Lake Village, AR over U.S. Hwy 82 to junction Interstate Hwy 55, and return over the same route. (Hearing site: Little Rock, AR or Memphis, TN.)

Note—Applicant intends to tack to its existing authority and any authority it may obtain in the future. Applicant intends to tack the above described authorities.

MC 51456 [Sub-775F], filed October 22, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2288, Green Bay, WI 54306. Representative: Neil A. DuJardin (same address as applicant). Transporting such commodities as are dealt in, or used by,
manufacturers and distributors of motor vehicles (except commodities in bulk), between Kenosha, WI on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL)

MC 59317 (Sub-14F), filed November 9, 1979. Applicant: BISON TRUCK LINE, INC., 725 First Street North, Newton, IA 50208. Representative: William L. Fairbank, 1960 Financial Center, Des Moines, IA 50309. Transporting weed and brush cutters and hydraulic log splitters from Forrest, IL, to points in IA. (Hearing site: Des Moines, IA, or Chicago, IL)

MC 61398 (Sub-376F), filed November 5, 1979. Applicant: HERMAN BROS., INC., 2585 St. Marys Ave., P.O. Box 189, Omaha, NE 68101. Representative: Duane L. Stromer (same address as applicant). Transporting fly ash, in bulk, from the facilities of American Electric Power Service Corporation, at or near Cleveland, VA, to points in NC and SC. (Hearing site: Omaha, NE, or Richmond, VA.)

Note.—Dual operations may be involved.

MC 65976 (Sub-322F), filed November 5, 1979. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. No., St. Cloud, MN 56301. Representative: William L. Libby (same address as applicant). To operate as a common carrier, by motor vehicle, in foreign commerce only, transporting (1) vehicles designed for off highway use, and parts, attachments and accessories for the vehicles described in (1) above, from Detroit, MI to points in the United States (except AK and HI), and (2) materials, equipment and supplies used in the manufacture and distribution of commodities in (1) above (except commodities in bulk) in the reverse direction. (Hearing site: Washington, DC, or Chicago, IL)


MC 66607 (Sub 20F), filed November 6, 1979. Applicant: RUCKER BROTHERS TRUCKING, INC., 1820 Stewart Street East, Tacoma, WA 98421. Representative: Michael D. Dupphenthaler, 211 South Washington Street, Seattle, WA 98104. Transporting utility manholes, vaults and median barriers, between Auburn, WA and Wilsonville, OR on the one hand, and, on the other, points in ID, MT, OR and WA. (Hearing site: Seattle, WA.)

MC 58187 (Sub-SF), filed November 7, 1979. Applicant: FREDERICK M. JACOBS, dba: WALDROM TRUCK LINE, 443 North 47th Street, Ft. Smith, AR 72903. Representative: Frederick M. Jacobs (same address as applicant). To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting general commodities (except Classes A and B explosives, household goods, commodities in bulk and those requiring special equipment), (1) between Ft. Smith, AR and Muskogee, OK, from Ft. Smith, AR over U.S. Hwy 64 to Sallisaw, thence over U.S. Hwy 59 to Westville, thence over U.S Hwy 62 to Muskogee, (2) between Ft. Smith, AR and Tahlequah, OK, from Fort Smith over I-40 to Sallisaw, thence over U.S. Hwy 59 to Sulliwod, thence over OK Hwy 51 to Eldon, then over U.S. Hwy 62 to Tahlequah, (3) between Sallisaw, OK and Muskogee, OK, from Sallisaw over I-40 and the Muskogee Turnpike to Muskogee, and return over the same routes 1, 2, and 3 above serving all intermediate points on routes 1 and 2, above. (Hearing site: Ft. Smith, AR.)

MC 102816 (Sub-3017F), filed November 6, 1979. Applicant: COASTAL TANK LINES, INC., 250 North Cleveland-Massillon Road, Akron, OH 44313. Representative: David F. McAllister (same address as applicant). Transporting talc, in bulk, in tank or hopper-type vehicles, from Grand Island, NE to points in IL, IA, KY, MI, and OH. (Hearing site: Omaha, NE, or Des Moines, IA.)

Docket No. 103788 (Sub-8-8F), filed November 12, 1979. Applicant: SCHJONEMAN TRUCKING, INC., P.O. Box 237, Colby, WI 54421. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, WI 53705. Transporting (1) paper and paper products and (2) pulpboard products, plastic film, foil and cellulose film from the facilities of American Can Company at or near Neenah, Menasha, and Wausau, WI, to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY. (Hearing sites: 1 Milwaukee, WI, or 2 Chicago, IL)

MC 105007 (Sub-64F), filed November 12, 1979. Applicant: MATSON TRUCK LINES, INC., 1407 St. John Avenue, Albert Lea, MN 56007. Representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. Transporting moulded rubber inflatons, from Johnson Creek, WI to Albert Lea, MN. (Hearing site: Minneapolis-St. Paul, MN.)

MC 105016 (Sub-12F), filed November 12, 1979. Applicant: FELISSIER TRUCKING, INC., P.O. Box 192, The Dalles, OR 97058. Representative: Russell M. Allen, 1200 Jackson Tower, Portland, OR 97205. Transporting materials, equipment and supplies (except commodities in bulk) used in the growing, processing and harvesting of fruit, between the facilities of Studleman Fruit Co., In Wasco and Hood River Counties, OR, on the one hand, and, on the other, points in WA. (Hearing site: Portland, OR.)

MC 105566 (Sub-200F), filed August 10, 1979. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1120, Cape Girardeau, MO 63701. Representative: Thomas F. Kilroy, Suite 406, Executive Building, 6901 Old Keene Mill Road, Springfield, VA 22150. Transporting glassware and glass containers, from Muskogee, OK, to points in AZ, CA, CO, ID, MT, NV, NM, ND, OR, SD, UT, WA, and WY. (Hearing site: Washington, DC.)

MC 106587 (Sub-307F), filed November 7, 1979. Applicant: SCHARF EXPRES, INC., 48 Norwich Avenue, Colchester, CT 06415. Representative: S. Harrison Kahn, Suite 733, Investment Building, 1511 "K" Street, N.W., Washington, DC 20030. To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between Syracuse, NY and Philadelphia, PA, from Syracuse over Interstate HWY 61 to its intersection with Interstate HWY 390, then over Interstate HWY 390 to its intersection with Interstate HWY 60, then via Interstate HWY 60 to its intersection with PA HWY 33, then over PA HWY 33 to its intersection with U.S. HWY 22, then over U.S. HWY 22 to its intersection with Interstate HWY 78, then over Interstate HWY 78 to its intersection with NJ HWY 31, then over NJ HWY 31 to its intersection with Interstate HWY 95, then over Interstate HWY 95 to Philadelphia, and return over the same route, serving no intermediate points as an alternate route for operating convenience in connection with carriers authorized regular-route operations. (Hearing site: New York, NY.)

Note.—Applicant will tack authority sought here with existing authority at Philadelphia, PA and Syracuse, NY.

MC 109367 (Sub-482F), filed November 6, 1978. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box
113 Joplin, MO 64801. Representative: A. N. Jacobs (same address as applicant). Transporing (1) heat exchangers or equalizers for air, gas, or liquids, (2) machinery and equipment for heating, cooling, conditioning, humidifying, dehumidifying, and moving of air; gas or liquids, and (9) parts, attachments and accessories for use in the installation or operation of the commodities named in (1) and (2) above, from the facilities of The Tran Company, in Fayette County, KY, to points in AZ, CO, CA, GA, ET, DE, ID, IN, ME, MD, MA, MI, MT, NV, NH, NJ, NM, NY, ND, OR, PA, RI, SD, UT, VT, VA, WA, WV, WY, and DC. (Hearing site: Louisville, KY.)

MC 115498 (Sub-125F), filed November 13, 1979. Applicant: LUMBER-TRANSPORT, INC., P.O. Box 111, Cochran, GA 31021. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. Transporting building materials, and materials, equipment and supplies used in the manufacture, installation and distribution of building materials between the facilities of Georgia-Pacific Corporation, Gypsum Division, at or near Hampton (Henry County), GA, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK and TX. (Hearing site: Atlanta, GA.)

MC 115926 (Sub-581F), filed November 13, 1979. Applicant: W. J. DIGBY, INC., 6015 East 56th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting foodstuffs, and materials, equipment and supplies, used by a manufacturer of foodstuffs (except commodities in bulk) (A) from Los Angeles, CA to Dallas, TX and points in OH, GA and KY; (B) from Cincinnati, OH to Los Angeles, CA, Atlanta, GA and Dallas, TX; (C) from Atlanta, GA to Los Angeles, CA and Cincinnati, OH. (Hearing site: Denver, CO.)

Note.—Dual operations may be involved.

MC 116508 (Sub-5F), filed November 6, 1979. Applicant: JOHNSTOWN-PITTSBURGH EXPRESS, INC., 859 Progress St., Pittsburgh, PA 15219. Representative: Arthur J. Kiskin, 806 Frick Blvd., Pittsburgh, PA 15219. Transporting general commodities (except those of unusual value, classes A and B by definition as defined by the Commission, commodities in bulk, and those requiring special equipment), between Pittsburgh, PA, on the one hand, and, on the other, points in Fayette, Westmoreland, Armstrong, Clarion, Elk, Forest, Jefferson, Indiana, Somerset, Cambria, Mifflin, Clearfield, Cameron, Clinton Centre, Franklin, Blair, Bedford, Fulton, Huntington, Snyder, Juniata, Perry, Cumberland, York and Counties, PA (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 116626 (Sub-14F), filed November 7, 1979. Applicant: C. W. EANES, INC., P.O. Box 1066, Gretna, VA 23061. Representative: Edward G. Villalon, 1032 Pennsylvania Avenue, & 31th St., N.W., Washington, DC 20004. Transporting lumber, landscape ties and timbers and treated wood products, (a) from points in NC to points in VA, (b) from points in NY, to points in VA and NC and (c) from points in VA, to points in CT, DE, IL, IN, KY, MD, MA, NJ, NY, NC, OH, PA, RI, TN, WV and DC. (Hearing site: Washington, DC.)

MC 117557 (Sub-24F), filed June 5, 1979. Applicant: MATSON, INC., P.O. Box 45, Cedar Rapids, IA 52405. Representative: Kenneth F. Dudley, 1501 E. Main, P.O. Box 279, Ottumwa, IA 52501. Transporting (1) such machinery and equipment as are used in constructions, road building, mining, logging, farming, and industrial (except boats), (2) parts, attachments and accessories for the commodities described in (1) above, and (3) materials, equipment, and supplies, (except commodities in bulk), used in the manufacture sale, and distribution of the commodities in (1) and (2) above, between the facilities of Iowa Manufacturing Company at Cedar Rapids, IA, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, MN, OR, UT, WA, and WY. (Hearing site: Chicago, IL, or Kansas City, MO.)

MC 118556 (Sub-89F), filed November 27, 1979. Applicant: NORTH EXPRESS, INC., 219 Main Street, Winamac, IN 46990. Representative: Donald W. Smith, P.O. Box 49268, Indianapolis, IN 46240. Transporting mold and steel repair, hot tops, fluxing compounds and materials, equipment and supplies used in the manufacture and distribution of mold and steel repair, hot tops, fluxing compounds, and materials, and (c) Denver, CO. (Hearing site: Indianapolis, IN.)

MC 119517 (Sub-54F), filed March 29, 1979, and January 8, 1980. Applicant: DUDLEY TRUCKING CO., INC., 724 Memorial Drive, S.E., Atlanta, GA 30316. Representative: Barry L. Dudley (same address as applicant). Transporting charcoal, hickory chips, charcoal lighted fire, fireplace logs, and barbecue equipment, from the facilities of Husky Industries, Inc., at (a) Branson, MO, (b) Pachuta, MS, and Ocala, FL to points in AL, AR, FL, GA, LA, MS, NC, SC, OK, TN, TX, and VA. (Hearing site: Atlanta, GA, or Richmond, VA.)

Note.—This republication is to correct the territorial description.

MC 121496 (Sub-589F), filed November 6, 1979. Applicant: CANCO CORP., Suite 2900, 1100 Milam Building, Houston, TX 77002. Representative: E. Stephen Heisley, 805 McLachen Bank Building, 606 Eleventh Street, NW., Washington, DC 20001. Transporting calcium bromide, in bulk, in tank vehicles, from the facilities of Velocal Chemical Corp., at or near Beaumont, TX, to points in LA. (Hearing site: Chicago, IL.)

MC 121826 (Sub-21F), filed November 27, 1979. Applicant: BAYVIEW TRUCKING, INC., 7080 Florin-Perkins Road, Sacramento, CA 95828. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68160. Transporting foodstuffs, pet foods, and materials, equipment and supplies used in the manufacture and distribution of foodstuffs and pet foods (except commodities in bulk), between those points in the United States (except AK and HI) on and west of a line beginning at Sault Ste. Marie, MI, thence over I-75 to Cincinnati, OH, thence over I-71 to Louisville, KY, thence over I-65 to Mobile, AL (including the commercial zones of all points located on said highways), restricted to the transportation of traffic originating at or destined to facilities used by Campbell Soup Company, Inc. (Hearing site: Philadelphia, PA, or San Francisco, CA.)

MC 123476 (Sub-51F), filed November 9, 1979. Applicant: CURTIS TRANSPORT, INC., P.O. Box 388, Arnold, MO 63010. Representative: David G. Dimit (same address as applicant). Transporting plastic bottles, plastic bottle cups, and accessories (except in bulk in tank vehicles) between Bedford Park, IL and those points in the United States on or east of U.S. Hwy 65. (Hearing site: St. Louis, MO, or Chicago, IL.)

MC 123937 (Sub-32F), filed November 13, 1980. Applicant: JEWETT SCOTT TRUCK LINE, INC., P.O. Box 267, Mangum, OK 73554. Representative: Richard Hubbert, P.O. Box 10266, Lubbock, TX 79415. Transporting exshalt and building materials, from the facilities of (1) GAF Corporation at (a) Kansas City and Annapolis, MO, to points in KS, NM, OK and TX, (b) Dallas, TX, to points in AZ, CO, KS, LA, MO and NM, and (c) Denver, CO, to points in KS, NE, NM, OK, TX and WY, and (2) Roofers Service Supply, Inc., at
Wichita, KS, to points in OK, TX, CO, NM and TN. (Hearing site: Oklahoma City, OK, or Kansas City, MO.)

MC 124017 (Sub-8F), filed November 6, 1979. Applicant: R. JEFFREY & SONS, INC., R.D. #1, Elysburg, PA 17024. Representative: John M. Musselman, 410 North Third Street, F.O. Box 1145, Harrisburg, PA 17103. Transporting pig iron, coke, ferrous silicon and scrap, between points in Niagara County and Erie County, NY, on the one hand, and, on the other, points in MD, DE, NJ, and those in PA on and east of U.S. Highway 220 and U.S. Highway 15. (Hearing site: Harrisburg, PA, or Washington, DC.)

MC 124326 (Sub-102F), filed November 9, 1979. Applicant: CHEMICAL EXPRESS CARRIERS, INC., 4645 North Central Expressway, Dallas, TX 75205. Representative: Sam Hallman, 4555 First National Bank Building, Dallas, TX 75202. Transporting barite, in bulk, between points in AR, LA, MS, MO, OK and TX. (Hearing site: Dallas, TX.)

MC 125687 (Sub-19F), filed November 13, 1979. Applicant: EASTERN STATES TRANSPORTATION PA, INC., 1060 Lafayette Street, York, PA 17405. Representative: Jeremy Kahn, Suite 733, Investment Building, 1511 “K” Street, N.W., Washington, DC 20005. Transporting (1) malt beverages, from the facility of the Genessee Brewing Company at or near Rochester, NY to points in NJ; and (2) empty, used malt beverages containers, from points in NJ to the facilities of the Genessee Brewing Company at or near Rochester, NY. (Hearing site: Washington, DC.)

MC 129007 (Sub-148F), filed November 12, 1979. Applicant: HOFFER, INC., 20th & 69 By Pass, F.O. Box 583, Pittsburg, KS 66762. Representative: Larry L. Gregg, 651 Harrison Street, F.O. Box 3970, Topeka, KS 66601. Transporting: Feed and Feed Ingredients, from points in Labette County, KS, to points in AR, MO, NM, OK and TX. (Hearing site: Omaha, NE or Kansas City, MO.)

MC 129537 (Sub-43F), filed November 6, 1979. Applicant: REEVES TRANSPORTATION CO., R. 5—Dews Road Rd., Calhoun, GA 30701. Representative: John G. Vogt, Jr., 498 N. Morgan St., Tampa, FL 33603. Transporting: (1) carpeting, floor covering, and carpet padding, and (2) materials, supplies and equipment used in the manufacture of the commodities described in (1) above, between points in GA, on the one hand, and, on the other points in NM. (Hearing site: Albuquerque, NM.)

MC 133917 (Sub-8F), filed November 7, 1979. CARTHAGE FREIGHT LINE, INC., F.O. Box 315, Carthage, TN 37030. To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, transporting such commodities as are dealt in by grocery and food businesses, retail chain department stores, and drug stores (except frozen commodities and commodities in bulk) between Chattanooga, TN and Atlanta, GA over Interstate Hwy 65, serving no intermediate points, and serving Chattanooga, TN for purposes of joinder only. (Hearing site: Louisville, KY or Nashville, TN.)

MC 134477 (Sub-300F), filed November 9, 1979. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43496, St. Paul, MN 55164. Transporting matches and woodenware (except commodities in bulk) from Dixfield and Oakland, ME and Springfield, MA, to points in AZ, CO, ID, MT, NV, NM, ND, OK, OR, SD, TX, UT, WA, and WY. (Hearing site: St. Paul, MN.)

MC 134477 (Sub-381F), filed November 9, 1979. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43496, St. Paul, MN 55164. Transporting toilet preparations and such commodities used in the sale of toilet preparations: (except In bulk), from Glenview and Morton Grove, IL to points in IA, MN, ND, SD, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: St. Paul, MN.)

MC 134477 (Sub-383F), filed November 9, 1979. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43496, St. Paul, MN 55164. Transporting such commodities as are dealt in by or used by department stores, hardware stores, building material supply centers, home improvement stores and farmer cooperative supply centers (except commodities in bulk), (1) from points in AL, AR, CO, CT, DE, FL, GA, IL, IN, KS, KY, LA, ME, MD, MA, MI, MS, MO, NJ, NY, NC, OH, OK, PA, Ri, SC, TN, TX, UT, VA, WV, and DC, to points in IA, MN, NE, ND, SD, and WI, and (2) between points in IA, MN, NE, ND, SD, and WI, restricted in (1) and (2) to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: St. Paul, MN.)

MC 138827 (Sub-11F), filed November 9, 1979. Applicant: METRO HAULING INC., 20848 77th Avenue South, Kent, WA 98031. Representative: Jack R. Davis, 1100 IBM Building, Seattle, WA 98101. Transporting general commodities (except household goods as defined by the commission and Classes A and B explosives), between points in the Portland, OR, Longview, and Tacoma, and Vancouver, WA. Commercial Zone, restricted to the transportation of traffic having a prior or subsequent movement by water. (Hearing site: Seattle, WA.)

MC 141567 (Sub-13), filed November 13, 1979. Applicant: SPECIALIZED TRANSPORTING INC., 2301 Milwaukee Way, Tacoma, WA 98421. Representative: Jack R. Davis, 1100 IBM Building, Seattle, WA 98101. Transporting manufactured foodstuffs, from the facilities used by Granny Goose Foods in Alameda County, CA to points in OR, UT, and WA. (Hearing site: Seattle, WA, or Oakland, CA.)

Note.—Deal operations may be involved.

MC 145106 (Sub-4P), filed November 9, 1979. Applicant: JOHN BREITWEISER TRUCKING INC., R.R. #1, Dow, IL 62022. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. Transporting carbonated beverages and flavored syrups, from Granite City, IL to points in WI, under continuing contract(s) with Shasta Beverages, Div. of Consolidated Foods Company, of Hayward, CA. (Hearing site: St. Louis, MO, or Chicago, IL.)

MC 145957 (Sub-3P), filed November 22, 1979. Applicant: RICHARD KILLIAN, d.b.a. KILLIAN TRUCKING, 13578 St. Charles Rock Rd., St. Louis County, MO 63044. Representative: B.W. LaTourney, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105. Contract carrier, transporting (1) meats, from the facility of Diamond Meat Packing Company, at or near Carlinville, IL, to points in the U.S. (except AK, HI, NC, SC, ND, ME, NH, TX, MA, CT, RI, DE, MD and DC), and (2) new restaurant furniture, prefabricated interior fixtures and pre-cut limber, from the facilities of Marian Lumber Co., at or near St. Louis, MO, on the one hand, and, on the other, points in IA, WI, MN, NE, NV, IL, FL, MI and KS, under continuing contract(s) with Diamond Meat Packing Company, of Carlinville, IL and Marian Lumber Co., of St. Louis, MO. (Hearing site: St. Louis, MO, or Springfield, IL.)

MC 146616 (Sub-8P), filed November 9, 1979. Applicant: B & H MOTOR FREIGHT, INC., 3314 East 51st Street, Suite B, Tulsa, OK 74135. Representative: Fred Rahal, Jr., Suite 303 Reunion Center, 9 East Fourth Street, Tulsa, OK 74103. Transporting (1) agricultural machinery and materials,
equipment, parts and supplies used in the distribution of agricultural machinery; (2) materials and supplies used in the production of the commodities named in (1) above, between the facilities of Hay Van Company at or near Boswell, OK, on the one hand, and, on the other, points in CT, DE, MA, ME, NH, NJ, PA, RI, and VT, under continuing contract(s) with Hay Van Company, of Dallas, TX. (Hearing site: Dallas, TX, or Tulsa, OK.)

MC 147697 (Sub-3F), filed November 8, 1979. Applicant: KEN-G TRANSPORT, INC., 1920-Riverdale Drive, Pfafftown, NC 27040. Representative: George W. Clapp, P.O. Box 856, Taylors, SC 29687. Transporting, Foodstuffs (except frozen and in bulk), from Cambridge, MD, to Tampa, FL, under a continuing contract, or contracts, with RJR Foods, Inc., of Winston-Salem, NC. (Hearing site: Winston-Salem, NC.)

MC 147707 (Sub-2F), filed November 18, 1979. Applicant: WALGREEN COMPANY, 200 Wilmot Rd., Deerfield, IL 60015. Representative: John T. O'Connell, 521 S. La Grange Rd., La Grange, IL 60525. Contract carrier, transporting in carbonated beverages, beverage preparations, flavoring compounds, beverage containers, and can ends, from (1) Tampa, FL to Birmingham, AL (2) from Birmingham, AL, to points in MS and TN, under continuing contract(s) with Shasta Beverages, Inc., of Hayward, CA. (Hearing site: San Francisco, CA.)

MC 148016 (Sub-3F), filed November 28, 1979. Applicant: McWHORTER-GRAY ENTERPRISES, INC., 4010 Highway 15 North, Ripley, MS 38663. Representative: Robert H. Taylor, Post Office Box 1726, Jackson, MS 38010. Contract carrier, transporting bentonite, cat litter and clay products, from Blue Mountain and Aberdeen, MS to points in the United States (except AK, AZ, CA, CO, HI, ID, MT, NV, NM, OR, UT, WA and WY), under continuing contract(s) with International Minerals & Chemical Corporation, of Mundein, IL. (Hearing site: Memphis, TN.)

MC 148076F, filed June 18, 1979. Applicant: RICHARD LIGHT, d.b.a., PRONTO PARCEL, 145 Palisade St., Dobbs Ferry, NY. Representative: Michael R. Warner, 267 Fairfield Rd., P.O. Box 1409, Fairfield, NJ 07006. Contract carrier, transporting (1) such commodities as are dealt in or used by manufacturers and distributors of new furniture, between the facilities of Architectural Supplement, Inc., at (a) Dobbs Ferry, NY, and (b) Danbury, CT, on the one hand, and, on the other, points in CT, DE, MA, ME, NH, NJ, PA, RI, and VT, under continuing contract(s) with Architectural Supplement, Inc.; and (2) electric medical equipment and supplies, between points in Westchester, NY, on the one hand, and, on the other, points in GT, DE, MA, ME, NH, NJ, PA, RI, and VT, under continuing contract(s) with Hay Van Company, of Dallas, TX. (Hearing site: Dallas, TX, or Tulsa, OK.)

MC 148328 (Sub-2F), filed November 18, 1979. Applicant: THIES TRANSPORTATION, INC., P.O. Box 49, South Highway 281, Great Bend, KS 67530. Representative: William B. Barker, 641 Harrison Street, Topeka, KS 66503. Motor vehicle, over irregular routes, transporting (1) meats, meat products and meat by-products, dairy products, and articles distributed by meat packinghouses, as described in Sections A, B and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 706 (except commodities in bulk), from the facilities of Thies Packing Company, Inc. and Obie Meat Products, Inc. in Topeka, Great Bend and Wichita, KS, to points in AL, AZ, AR, CA, CO, FL, IA, ID, IN, KS, KY, LA, MI, MN, MS, MO, MT, NE, NV, NM, NC, ND, OH, OK, OR, SC, SD, TN, TX, UT, WA, WI and WY. (2) materials and supplies used in the manufacturing and process of the commodities in (1), in the reverse direction, under continuing contract(s) with Thies Packing Company, Inc. and Obie Meat Products, Inc., of Great Bend, KS. (Hearing site: Wichita, KS, or Kansas City, MO.)

MC 148466F, filed November 19, 1979. Applicant: WESTARK SPECIALTIES, INC., 7209 Jenny Line, Fort Smith, AR 72906. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood, Fort Smith, AR 72902. Contract carrier, transporting plastic articles and paper products, from the facilities of American Can Co.-Dixie Products, at Fort Smith, AR, to the facilities of American Can Co.-Dixie Products at Dallas, TX, under continuing contract(s) with American Can Co., of Ft. Smith, AR. (Hearing site: Dallas, TX, or Washington, DC.)

MC 148596F, filed November 19, 1979. Applicant: ARK TRANSPORTATION, INC., 3227 N. Canyon Road, Provo, UT. Representative: Michael J. Norton, P.O. Box 2135, Salt Lake City, UT 84110. Contract carrier, transporting petroleum products, between points in the U.S. (except AK and HI), under continuing contract(s) with Telum, Inc. and True Value Oil Company, Inc. both of Provo, UT. (Hearing site: Salt Lake City, UT.)

Manufacturing Company, Inc. in Holt County, NE. (Hearing site: Billings, MT, or Lincoln, NE).

MC 31296 (Sub-6F), filed November 19, 1979. Applicant: HAMMON STAGE LINES, INC, 844 Front St., N.E., Salem, OR 97301. Representative: Russell M. Allen, 1200 Jackson Tower, Portland, OR 97205. Transporting passengers and their baggage in the same vehicle with passengers in charter and special round trip operations, between points in Lincoln and Tillamook Counties, OR, on the one hand, and, on the other, points in the US (except AK and HI). (Hearing site: Salem or Portland, OR.)

MC 42487 (Sub-957F), filed November 20, 1979. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. Over regular routes, transporting general commodities (except those of unusual value, and explosives, household goods as defined by the Commission, commodities in bulk, require special equipment), between Danville, IL and Urbana, IL, or Interstate Hwy 74, serving no intermediate points, as an alternate route for operating convenience only in connection with carrier's otherwise authorized regular route operations. (Hearing site: Chicago, IL or Indianapolis, IN.)

Note—Applicant intends to tack to its existing authority and any authority it may acquire.

MC 51146 (Sub-786F), filed November 29, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Neil A. DuJardin (same address as applicant). Transporting flat glass and materials and supplies used in the manufacture of flat glass (except commodities in bulk), between the facilities of Guardian Industries, at or near Corvallis, OR, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Portland, OR)

MC 51146 (Sub-788F), filed November 29, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Neil A. DuJardin (same address as applicant). Transporting such commodities as are dealt in or used by manufacturers and distributors of games and toys (except commodities in bulk) between Minneapolis, MN, on the one hand, and, on the other points in the United States (except AK and HI). (Hearing site: Chicago, IL)

MC 52637 (Sub-749F), filed November 21, 1979. Applicant: ARCO AUTO CARRIERS, INC., 16 W. 151 Shore Court, Burr Ridge, IL 60521. Representative: James Bouril (same address as applicant). Transporting converted new foreign automobiles, from Troy, MI, to points in NY, NJ, CT, PA, and MD. (Hearing site: Chicago, IL)

MC 52637 (Sub-751F), filed November 29, 1979. Applicant: ARCO AUTO CARRIERS, INC., 16 W. 151 Shore Court, Burr Ridge, IL 60521. Representative: James Bouril (same address as applicant). Transporting reclassified motor vehicles in secondary movements, in truckaway service (1) between points in CT, MD, NY, NJ and PA, (2) between points in OH and WV, on the one hand, and, on the other points in CT, MD, NY, NJ and PA, (3) between points in KS, NB, and OK, and (4) between points in IA and MO, on the one hand, and, on the other points in KS, NB, and OK, restricted to the transportation of traffic having a prior movement from the facilities of
American Motors Corporation, Kenosha, WI, Jeep Corporation, a subsidiary of American Motors Corporation in Toledo, OH, American Motors (Canada) Ltd., Brampton, Ontario, Canada and Regie Nationale Des-Usiness Renault, France. (Hearing site: Chicago, IL.)


MC 55697 (Sub-SF), filed November 28, 1979. Applicant: LEITCHFIELD TRANSFER CO., a corporation, P.O. Box 369, Leitchfield, KY 42754. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. Transporting (1) steel castings, from the facilities of Campbell-Hausfeld, Inc. at Leitchfield, KY to Harrison, OH, and Richmond, IN, and (2) equipment, tools, and supplies, except in bulk, used in the manufacture and distribution of air compressors, pumps, and compressors, OH and Richmond, IN to the facilities of Campbell-Hausfeld, Inc., at Leitchfield, KY, restricted in (1) and (2), above, to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Louisville, KY.)

MC 71298 (Sub-9F), filed November 20, 1979. Applicant: FORT TRANSPORTATION & SERVICE CO., INC., 1600 Janesville Ave., Fort Atkinson, WI 53538. Representative: Wayne W. Wilson, 150 East Gilman St., Atkinson, WI 53522. Transporting (1) general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Fort Atkinson, WI and Beloit, WI, from Fort Atkinson, over WI Hwy 28 to its junction with US Hwy 51, then over US Hwy 51 to Beloit, WI, and return over the same route, serving all intermediate points, (2) between Fort Atkinson, WI and Madison, WI, over US Hwy 83 and 12 and 18, serving all intermediate points, (3) between Beloit, WI and Madison, WI over US Hwy 83, serving all intermediate points, (4) between Fort Atkinson, WI and Beaver Dam, WI, from Fort Atkinson over WI Hwy 28 to its junction with WI Hwy 33, then over WI Hwy 33 to Beaver Dam, and return over the same route, serving all intermediate points, (5) between Madison, WI and Beaver Dam, WI over US Hwy 151, serving all intermediate points, (6) between Beloit, WI and Milwaukee, WI over WI Hwy 15, serving all intermediate points, (7) between Watertown, WI and Milwaukee, WI, from Watertown over US Hwy 16 to junction Interstate Hwy 94, then over Interstate Hwy 94 to Milwaukee, and return over the same route, serving all intermediate points, (8) between Fort Atkinson, WI and Whitewater, WI over US Hwy 12, serving all intermediate points, (9) between Whitewater, WI and Milwaukee, WI, from Whitewater, over WI Hwy 59 to junction US Hwy 18, then over US Hwy 18 to Milwaukee, serving all intermediate points, and return over the same route, (10) between Jefferson, WI and Columbus, WI over WI Hwy 89, serving all intermediate points, and (11) between the junction of US Hwy 151 and WI Hwy 19 and Watertown, WI, over WI Hwy 19, serving all intermediate points. (Hearing site: Milwaukee or Madison, WI.)

MC 95576 (Sub-328F), filed November 20, 1979. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. No., St. Cloud, MN 56301. Representative: William L. Libby (same address as applicant). Transporting (1) iron and steel articles, and (2) materials, equipment and supplies, used in the manufacture and distribution of waferboard, from the Township of Hayward, Sawyer County, WI, to points in MI, IN, IL, MN, IA, NE, KS, KY, MO, OH, PA, SD, and ND, and (2) to the traffic originating at or destined to the facilities of Scott Paper Company. (Hearing site: Escanaba, MI, or Madison, WI.)

MC 95676 (Sub-330F), filed November 20, 1979. Applicant: THE BLUE DIAMOND COMPANY, a corporation, 4401 East Fairmount Ave., Baltimore, MD 21224. Representative: Chester A. Zyblut, 396 Executive Building, 1030 Fifteenth St. N.W., Washington, DC 20005. Transporting paper and paper products, and materials, supplies, and equipment used in the manufacture and distribution of the commodities (except commodities in bulk), between points in the United States in and east of MN, IA, MO, AR, and LA; restricted to the transportation of traffic originating at or destined to the facilities of Scott Paper Company. (Hearing site: Washington, DC, or Philadelphia, PA.)

MC 113566 (Sub-584F), filed November 30, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting (1) floor coverings, and (2) materials, equipment and supplies used in the installation and maintenance of floor coverings, from East Hempfield Township and Lancaster, PA, to points in GA, IL, NC, SC and points in the US in and west of MN, IA, MO, AR, and LA.
(except AK, HI, AZ, CA, NV, and OR).

(Hearing site: Denver, CO.)

MC 119917 (Sub-69F) filed November 20, 1979. Applicant: UNDERWOOD & WELD COMPANY, INC., P.O. Box 247, Corssnare, NC 28616. Representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street, NW, Washington, DC 20001. Transporting salt and salt products (except in bulk), from points in Harris and Ft. Bend Counties, TX to points in AL, FL, GA, MS, NC, SC, and TN. (Hearing site: Houston, TX.)

MC 117766 (Sub-18F), filed November 20, 1979. Applicant: HERMS TRUCKING, INC., 620 Pear St., Trenton, NJ 08648. Representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. Transporting wax impregnated fireplace logs, boxed cord wood, charcoal briquets and lighting fluid (except in bulk), from the facilities of or used by Pirelli Tire Co., at Alliance, Canton and Sebring, OH, to points in the US in and east of MI, KY, TN, and AL. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 117786 (Sub-72F), filed October 30, 1979. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. Transporting tires, tubes, and commodities dealt in by tire manufacturers, distributors or dealers, between points in the US (except AK and HI), restricted to the transportation of traffic originating at the facilities of or those used by Pirelli Tire Co. (Hearing site: Phoenix, AZ.)

MC 117786 (Sub-76F), filed November 19, 1979. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85014. Representative: Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. Transporting commodities used or useful in the mining, milling, smelting, refining, manufacturing, sale or distribution of copper ore, from points in NJ, TN, PA, OH and IL to the facilities of Magma Copper Company, a subsidiary of Newmont Mining Corporation, at San Manuel and Superior, AZ. (Hearing site: Phoenix, AZ.)

MC 119777 (Sub-423F), filed November 30, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., Hwy 85-East, Madisonville, KY 42431. Representative: Carl U. Hurst P.O. Drawer "L", Madisonville, KY 42431. Transporting (1) aluminum and aluminum products, (2) parts and accessories used in the installation of the commodities in (1), and (3) materials, equipment and supplies used in the manufacture and distribution of the commodities in (1) and (2) above, (except in bulk), between the facilities of V.A.W. of America, Inc., in St. Johns County, FL, and, on the other, points in the U.S. (except AK and HI). (Hearing site: Jacksonville, FL.)

MC 119917 filed November 30, 1979. Applicant: DUDLEY TRUCKING COMPANY, INC., 774 Memorial Drive, SE Atlanta, GA 30316. Representative: Archie B. Culbreth, Suite 202, 2200 West Parkway, Atlanta, GA 30345. Transporting lighting fixtures and parts and accessories for lighting fixtures, from the facilities of Lithonia Lighting, Inc., a Division of National Service Industries, Inc., at or near Conyers, GA, Cochran, GA and Crawfordville, FL to points in the United States in and east of ND, SD, NE, CO and NM. (Hearing site: Atlanta, GA.)

MC 123407 (Sub-622F), filed November 21, 1979. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant), Transporting iron and steel articles from the facilities of Atlantic Steel Co., at Atlanta and Cartersville, GA, to points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Atlanta, GA, or Washington, DC.)

MC 124287 (Sub-101F), filed November 19, 1979. Applicant: SHELTON TRUCKING SERVICE, INC., Rt. 1, Box 230, Altha, FL 32421. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. Transporting lumber, lumber mill products, plywood and particleboard, between points in AL, FL, GA, and MS, on the one hand, and, on the other, points in AR, KY, LA, IL, IN, IA, MD, MI, MO, NC, OH, PA, SC, TN, VA, WV, and TX. (Hearing site: Jacksonville or Tallahassee, FL.)

MC 124287 (Sub-102F), filed November 20, 1979. Applicant: SHELTON TRUCKING SERVICE, INC., Rt. 1, Box 230, Altha, FL 32421. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. Transporting nails and construction mesh, between Quincy, FL, on the one hand, and, on the other, points in NC, SC, GA, AL, TN, MS, AR, LA, TX, and OK. (Hearing site: Jacksonville or Tallahassee, FL.)

MC 124287 (Sub-107F), filed November 30, 1979. Applicant: SHELTON TRUCKING SERVICE, INC., Rt. 1, Box 230, Altha, FL 32421. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. Transporting iron and steel articles, and metals, between points in the US in and east of ND, SD, NE, KS, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities of Triangle Steel Service Corporation. (Hearing site: Jacksonville or Tampa, FL.)

MC 123537 (Sub-113F), filed November 29, 1979. Applicant: TRUCKING SERVICE, INC., P.O. Box 229, Carlinville, IL 62625. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. Transporting (1) composition board, plywood, and accessories, and (2) materials used in the installation and sale of the commodities in (1), from the facilities of Ahti, Corporation, in Lucas County, OH, to points in IL, IA, MN, MO, NE, ND, SD, and WI. (Hearing site: Chicago, IL.)

MC 123537 (Sub-103F), filed November 30, 1979. Applicant: PAYNE TRANSPORTATION, INC., P.O. Box 1271, Huron, SD 57350. Representative: Charles E. Dye (same address as applicant), Transporting general commodities (except those of unusual value, therefore requiring the use of special equipment), from Seattle, WA, to points in MT, WI, and Chicago, IL, restricted to the transportation of traffic having an immediately prior movement by water. (Hearing site: Seattle, WA.)

MC 123407 (Sub-55F), filed November 29, 1979. Applicant: POLAR EXPRESS, INC., P.O. Box 645, Springdale, AR 72764. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203, (303) 639-5856. Transporting materials, equipment and supplies used in the manufacture and distribution of poultry and poultry products, from points in GA, IA, IL, MA, MS, NY, NC, NJ, OH, PA, TN, TX, WI, and WV, to points in Benton, Carroll, Howard, Pulaski, and Washington Counties, AR; Webster Parish, LA; Barry and Lawrence Counties, MO, and Grundy County, TN, restricted to the transportation of destined to the facilities Tyson Foods, Inc. (Hearing site: Fayetteville, or Little Rock, AR.)

Volume No. 82


By the Commission, Review Board Number 2, Members Eaton, Liberman and Jensen. Member Jensen not participating.

MC 1117 (Sub-24F), filed October 30, 1979. Applicant: M.G.M. TRANSPORT CORP., 70 Maltese Dr., Totowa, NJ 07512. Representative: Morton E. Kiel, Suite 1502, 2 World Trade Center, New York, NY 10048. Transporting such commodities as are dealt in or used by department stores (except commodities in bulk), from points in NJ and NY, to
MC 1127 [Sub-507F], filed October 23, 1979. Applicant: DEATON, INC., 317 Ave. W., P.O. Box 936, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Transporting (1) wood products and (2) accessories for wood products, from points in Center, TX, and Jackson and Nashville, TN, to points in AL, AR, FL, GA, IL, IN, KY, LA, MS, NC, OH, OK, SC, TN, TX, VA, and WV. (Hearing site: Des Moines, IA, or Memphis, TN.)

Note.—Applicant states it intends to tack points in the United States (except AK and HI), with its other authority.

MC 102567 [Sub-244F], filed October 29, 1979. Applicant: McNAIR TRUCKING, INC., 4295 Meadow Lane, P.O. Drawer 5537, Bossier City, LA 71111. Representative: Joe C. Day, 13403 Northwest Fwy., Suite 130, Houston, TX 77040. Transporting printed matter, and materials, equipment, and supplies used by printing companies, between the facilities of Velas Chemical Company, at or near Beaumont, TX, to points in LA. (Hearing site: Houston, TX.)

MC 105566 [Sub-213F], filed October 31, 1979. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1120, Cape Girardeau, MO 63701. Representative: Thomas F. Kilroy, Suite 406, Executive Bldg., 6901 Old Keene Mill Rd., Springfield, VA 22150. Transporting printed matter, and materials, equipment, and supplies used by printing companies, between the facilities of Sam Tanksley Trucking, Inc., at or near Girardeau, MO, and old, Saybrook, CT, Chicago, Dwight, and Mattoon, IL, Crawfordsville and Warsaw, IN, Glasgow, KY, Willard, OH, Lancaster, PA, and Gallatin, TN, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 105566 [Sub-214F], filed October 31, 1979. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1120, Cape Girardeau, MO 63701. Representative: Thomas F. Kilroy, Suite 406, Executive Bldg., 6901 Old Keene Mill Rd., Springfield, VA 22150. Transporting printed matter, and materials, equipment, and supplies used by printing companies, between the facilities of Sam Tanksley Trucking, Inc., at or near Girardeau, MO, and the points in the United States (except AK and HI). (Hearing site: Chicago, IL.)
MC 108207 (Sub-537F), filed October 31, 1979. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 225888, Dallas, TX 75256. Representative: M. W. Smith (same address as applicant). Transporting yoghurt (except in bulk), in vehicles equipped with mechanical refrigeration, from Reed City and Otsego, MI to Logan, Murray, Ogden, Provo, Salt Lake City, UT and East Milwaukee, Clackamas, Medford, Salem, and Portland, OR. (Hearing site: Chicago, IL.)

MC 108976 (Sub-150F), filed October 9, 1979. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamagua Ave. NE., Knoxville, TN 37917. Representative: Fred F. Bradley, P.O. Box 77B, Frankfort, KY 40602. Transporting fired clay cat litter (except in bulk, in tank vehicles), from the facilities of O.C.P.C., Inc., at or near Stroud, OK, to points in the United States (except AK and HI). (Hearing site: Oklahoma City, OK.)

MC 108937 (Sub-61F), filed October 30, 1979. Applicant: MURPHY MOTOR FREIGHT LINES, INC., 2323 Terminal Rd., St. Paul, MN 55113. Representative: Jerry E. Hess, P.O. Box 4849, St. Paul, MN 55164. Transporting general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of the Toro Company, at or near Tomah, WI, as an off-route point in connection with carrier’s otherwise authorized regular-route operations. (Hearing site: St. Paul, MN.)

Note.—Applicant states it intends to tack over with other authority.

MC 109128 (Sub-17F), filed October 28, 1979. Applicant: LA SALLE TRUCKING COMPANY, a corporation, 690 Anila St., Chula Vista, CA 92011. Representative: Fred H. Mackensen, 9454 Wilshire Blvd. Transporting general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between ports of entry on the international boundary line between the United States and the Republic of Mexico, on the one hand, and, on the other, points in CA, in foreign commerce only. (Hearing site: San Diego, or Los Angeles, CA.)

MC 110166 (Sub-23F), filed October 29, 1979. Applicant: TENNESSEE CAROLINA TRANSPORTATION, INC., P.O. Box 100943, Nashville, TN 37210. Representative: Donald E. Cross, 918 16th St. NW., Washington, DC 20005. Over regular routes, transporting general commodities (except those of unusual value, classes A and B explosives, contractors’ equipment, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between Asheville and Charlotte, NC, over U.S. Hwy 21, serving all intermediate points, and off-route points in NC on and west of U.S. Hwy 21, and serving Asheville for purposes of joinder only. (Hearing site: Nashville, TN, or Charlotte, NC.)

Note.—The purpose of this application is to move applicant’s gateway from Charlotte, NC to Asheville, NC.

MC 112107 (Sub-13F), filed October 29, 1979. Applicant: NEW ENGLAND MOTOR FREIGHT, INC., 454 Main Ave., P.O. Box 3427, Wellington, NJ 07087. Representative: Eugene M. Malkin, Suite 1522, 2 World Trade Center, New York, NY 10048. Over regular routes, transporting general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) between Pittsfield, MA and Niagara Falls, NY: from Pittsfield over U.S. Hwy 20 to Buffalo, NY, then over Interstate Hwy 190 to Niagara Falls, and return over the same route. (2) between Albany and Niagara Falls, NY: from Albany over Interstate Hwy 90 to junction Interstate Hwy 290, then over Interstate Hwy 290 to junction Interstate Hwy 190, then over Interstate Hwy 190 to Niagara Falls, and return over the same route, (3) between Buffalo, NY, and Pittsburgh, PA, from Buffalo over U.S. Hwy 219 to junction U.S. Hwy 11, then to junction U.S. Hwy 522, then over U.S. Hwy 522 to junction U.S. Hwy 22, then over U.S. Hwy 22 to Pittsburgh, and between the same route. (4) between Westfield, NY, and Newark, NJ: from Westfield over NY Hwy 17 to the NY-NJ state line, then over NY Hwy 17 to Newark, and return over the same route, (5) between the ports of entry on the international boundary line between the United States and Canada at or near Rouses Point, NY, and New York, NY over U.S. Hwy 9 (also Interstate Hwy 87), (6) between Scranton, PA and Waterbury, CT, and Scranton, PA, over Interstate Hwy 81, (7) between Waterbury, CT, and Scranton, PA, over Interstate Hwy 84, and over Interstate Hwy 81, (8) between Scranton, PA and Washington, PA, from Scranton over Interstate Hwy 81 to Harrisburg, PA, then over Interstate Hwy 83 to Baltimore, MD, and then over U.S. Hwy 1 to Washington, DC, and return over the same route, (9) between Scranton, PA, and Baltimore, MD: from Scranton over PA Hwy 509 to Dunmore, PA, then over U.S. Hwy 611 to Philadelphia, PA, and then over U.S. Hwy 1 to Baltimore, and return over the same route. (10) between Washington, DC and Pittsburgh, PA: from Washington over Interstate Hwy 270 to Frederick, MD, then over U.S. Hwy 40 to Uniomtown, PA, and then over U.S. Hwy 219 to Pittsburgh, and return over the same route. (11) between Corning, NY and Frederick, MD, over U.S. Hwy 15, (12) between the port of entry on the international boundary line between the United States and Canada at or near Champlain, NY, and the MD-WV state line at or near Martinsburg, WV, over U.S. Hwy 11, (13) between Wilmington, DE and Salisbury, MD, over U.S. Hwy 13, (14) between Washington, DC and Ocean City, MD, over U.S. Hwy 50, (15) between New York, NY and Harrisburg, PA, (a) from New York over U.S. Hwy 1 to Newark, NJ, then over U.S. Hwy 22 to Harrisburg, and return over the same route, and (b) from New York to Newark as described in (a) above, then over Interstate Hwy 78 to junction Interstate Hwy 81, then over Interstate Hwy 81 to Harrisburg, and return over the same route, (16) between New York, NY and Pittsburgh, PA: from New York over Interstate Hwy 80 to junction Interstate Hwy 79, then over Interstate Hwy 79 to Pittsburgh, and return over the same route, (17) between Cumberland, MD and Williamsport, PA over U.S. Hwy 220; serving, in all routes described above, all intermediate points and all off-route points in DE, MD, NY, and PA. (Hearing site: New York, NY, or Philadelphia, PA.)


MC 115826 (Sub-55F), filed October 19, 1979. Applicant: W. J. DIGBY, INC., 6015 East 56th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting such commodities as are dealt in by retail shoe stores, and materials, supplies, and equipment used by retail shoe stores, from the facilities of Kinney Service Corporation, at or near Camp Hill and Mechanicsburg, PA, to points in AZ, CA, CO, NM, NV, OR, TX, UT, and WA. (Hearing site: Denver, CO.)

MC 115826 (Sub-56F), filed October 26, 1979. Applicant: W. J. DIGBY, INC.,
Transporting general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in the United States in and east of California, between those points in the United States in and east of California, and (2) between those points in the United States in and east of California, and those points in the United States in and east of California, and the commodities in bulk, and those requiring special equipment, between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Phillips Petroleum Company, Phillips Fibres Corporation, Phillips Chemical Company, or Phillips Products Company. (Hearing site: Denver, CO.)

MC 11677 (Sub-42F), filed October 29, 1979. Applicant: DISI TRANSPORTS, INC., 4550 Post Oak Pl. Dr., P.O. Box 1505, Houston, TX 77001. Representative: James M. Doherty, 500 West 16th St., P.O. Box 1945, Austin, TX 78767. Transporting chemicals, in bulk, in tank vehicles, from Dallas, TX, to points in AL, AZ, AR, CO, FL, GA, ID, IL, IN, IA, KS, KY, LA, MI, MN, MS, MT, MO, NE, ND, OH, OK, SC, SD, TN, UT, VA, WI, and WV. (Hearing site: Dallas or Houston, TX.)

MC 11977 (Sub-42F), filed October 26, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., Hwy 85 East, Madisonville, KY, 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY, 42431. Transporting carbon products, and graphite products, from points in Christian County, KY to points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 11997 (Sub-42F), filed October 29, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., Hwy 85 East, Madisonville, KY, 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY, 42431. Transporting pulp and paper mill equipment, and wood-handling equipment, from Meridian, MS to those points in the United States in and east of MN, IA, MO, OK, and TX. (Hearing site: Birmingham, AL or New Orleans, LA.)

MC 119917 (Sub-61F), filed October 25, 1979. Applicant: DUDLEY COMPANY, TRUCKING, INC., 24 Memorial Dr. S.E., Atlanta, GA 30316. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Transporting paper and paper products, and materials, equipment, and supplies, used in the manufacture and distribution of paper and paper products (except commodities in bulk), 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 Celanese Paper Company. (Hearing site: Atlanta, GA.)

MC 124938 (Sub-9F), filed October 30, 1979. Applicant: WILLIAM LAMON TRUCK LINES, INC., P.O. Box 9465, Wilson, NC 27893. Representative: Jack H. Blanehan, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. Transporting meats and meat products, and meat by-products and articles distributed by meat packhouses, as defined in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, (except commodities in bulk) from the facilities of Wilson Foods Corporation at (a) Logansport, IN, (b) Marshall, MO, (c) Monmouth, IL and (d) Omaha, NE, to points in AL, GA, NC, SC, VA. (Hearing site: Dallas, TX, or Kansas City, MO.)

MC 125919 (Sub-12F), filed October 30, 1979. Applicant: NORTWOOD TRANSPORTATION, INC., 222 South 7200 West, Magna, UT 84044. Representative: Macoy A. McMurray, Suite 600, Beneficial Life Tower, 36 South State St., Salt Lake City, UT 84111. Transporting (1) salt and salt products, and (2) mineral mixtures, in mixed shipments with salt and salt products, from points in Salt Lake, Tooele, and Weber Counties, UT, to points in CA, ID, OR, and WA. (Hearing site: Salt Lake City, UT, or Boise, ID.)

MC 129287 (Sub-10F), filed October 26, 1979. Applicant: FETZ TRANSPORTATION, INC., P.O. Box 1271, Huron, SD 57350. Representative: Charles E. Dye (same address as applicant). Transporting meats, meat products, and meat by-products, and articles distributed by meat packhouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Carroll, Denison, Des Moines, Fort Dodge, Iowa Falls, and Sioux City, IA, and Crest, Lincoln, and Omaha, NE, to those points in the United States in and east of WI, OH, KY, MO, OK, and TX (except AK and HI). (Hearing site: Omaha, NE, or Chicago, IL.)

MC 130379 (Sub-5F), filed October 26, 1979. Applicant: CAROLINA EAST FURNITURE TRANSPORT, INC., P.O. Box 1426, Sumter, SC 29150. Representative: John Paul Jones, P.O. Box 3140, Front Street Station, 189 Jefferson Ave., Memphis, TN 38103. Transporting new furniture, from the facilities of the Barcalounger Division of the Futurian Corporation, a Division of Mobasco Industries, at Rocky Mt. and Turkey, NC, to points in AL, AR, IA, MS, OK, TX, TN, FL, and GA. (Hearing site: Sumter, SC.)

MC 138357 (Sub-5F), filed October 25, 1979. Applicant: BEST TRANSPORTATION CORP., INC., River St. and S. Washington Ave., Scranton, PA 18503. Representative: Joseph F. Hoary, 121 S. Main St., Taylor, PA 18571. Transporting (1) range and stove hoods, exhaust fans, and non-portable electric heaters, and (2) parts used in the installation of the commodities in (1) above, (a) between Old Forge, PA, and Hartford, WI, and (b) from Old Forge, PA, to Atlanta, GA, Wilkesboro, NC, Fort Lauderdale, FL, and points in NY, NJ, CT, VT, ME, NH, MA, and RI, and (3) materials and supplies used in the manufacture of the commodities in (1) and (2) above, from Atlanta, GA, to Old Forge, PA. (Hearing site: Wilkes Barre, PA.)

MC 138766 (Sub-18F), filed October 30, 1979. Applicant: ROBCO TRANSPORTATION, INC., 4175 N.E. 3rd St., Des Moines, IA 50313. Representative: Stanley C. Olson, Jr., 7400 Metro Blvd., Suite 411, Edina, MN 55345. Transporting foodstuffs (except frozen), cleaning, scouring, and washing compounds, solidified methanol, paper articles, plastic articles, scorers, toothpicks, chef hats and straws, from Dorsey, MD, to Elk Grove Village, IL, Kansas City, KS, Minneapolis, MN, and Dallas and Houston, TX. (Hearing site: Minneapolis, MN, or Chicago, IL.)

MC 138777 (Sub-9F), filed October 20, 1979. Applicant: PETZ INCORPORATED, P.O. Box 47685, Doraville, GA 30362. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd. NE, Atlanta, GA 30326. Transporting chemicals, in bulk, in tank vehicles, between points in Georgia, on the one hand, and, on the other, points in AL, FL, NC, TN, IL, MS, IA, VA, and WV. (Hearing site: Atlanta, GA.)

MC 139090 (Sub-78F), filed October 25, 1979. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, 2150 West 2290, P.O. Box 30303, Salt Lake City, UT 84125. Representative: Richard A. Peterson, 521 South 14th St., P.O. Box 81849, Lincoln, NE 68501. Transporting (1) such commodities as are dealt in by grocery, hardware, and drug stores (except commodities in bulk), and (2) materials, equipment, and supplies used in the manufacture, sale, and distribution of the commodities in (1) above (except commodities in bulk), between Dallas, TX, on the one hand, and, on the other, Los Angeles, CA, Atlanta, GA, Chicago, IL, New York, NY, and Portland, OR, restricted to the transportation of traffic originating at or destined to the facilities used by Boyle-Midway, Division of American Home Products Corporation,
at or near the named points. (Hearing site: Lincoln, NE, or Salt Lake City, UT.)

Note.—Dual operations may be involved.

MC 141867 (Sub-12F), filed October 29, 1979. Applicant: SPECIALIZED TRUCKING SERVICES, INC., 2301 Milwaukee Way, Tacoma, WA 98421. Representative: Jack R. Davis, 1100 IBM Bldg., Seattle, WA 98101. Transporting such commodities as are dealt in or used by manufacturers of containers and packaging materials, between points in AZ, CA, CO, ID, MT, NV, OR, UT, WA, and WY. (Hearing site: Seattle, WA.)

Note.—Dual operations may be involved.

MC 143267 (Sub-85F), filed October 30, 1979. Applicant: CARLTON ENTERPRISES, INC., P.O. Box 520, Mantua, OH 44255. Representative: Neal A. Jackson, 1156 15th St. NW., Mantua, OH 44255. Representative: Neal A. Jackson, 1156 15th St. NW., Mantua, OH 44255. Transporting paper and paper products, from the facilities of Scott Paper Company, S.D. Warren Division, at or near Muskegon, MI, to points in AZ, CA, CO, ID, MT, NM, NV, OK, OR, TX, UT, WA and WY, restricted to the transportation of traffic originating at the named origin. (Hearing site: Detroit, MI or Chicago, IL.)

MC 144927 (Sub-25F), filed October 25, 1979. Applicant: REMINGTON FREIGHT LINES, INC., P.O. Box 315, Remington, IN 47977. Representative: Gerald R. Morlan (same address as applicant). Transporting corn starch and dehydrated corn syrup (except commodities in bulk), from Hammond, IN, to points in MN, IA, MO, WI, IL, IN, KY, TN, MI, OH, NY, PA, WV, VA, NC, SC, MA, CT, NJ, DE, and MD. (Hearing site: Chicago, IL or Indianapolis, IN.)

MC 146646 (Sub-50F), filed October 29, 1979. Applicant: BRISTOW TRUCKING COMPANY, a corporation, P.O. Box 6355A, Birmingham, AL 35217. Representative: Henry Bristow, Jr. (same address as applicant). Transporting dry cleaning and laundry equipment, materials, and supplies (except commodities in bulk, and those which by reason of size or weight require the use of special equipment), and (2) parts for the commodities in (1) above (except commodities which by reason of size or weight require the use of special equipment), from the facilities of W. M. Cissell Mfg. Co., at (a) Louisville, KY, and (b) Cincinnati, OH, to points in AZ, CA, FL, GA, NV, NM, OR, TX, UT, and WA. Condition: The person or persons which appear to be in common control of applicant and another regulated carrier must file an application under 49 U.S.C. 11343(A) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Louisville, KY, or Birmingham, AL.)

MC 146664 (Sub-51F), filed October 29, 1979. Applicant: BRISTOW TRUCKING CO., a corporation, P.O. Box 6355A, Birmingham, AL 35217. Representative: Henry Bristow, Jr. (same address as applicant). Transporting canned and bottled foods and beverages, dehydrated corn syrup, corn starch and corn dextrin, in drums, from Cade and Lazes, LA, Wilson, NC, to points in AL, FL, GA, NC, SC, TN, LA, and MS. Condition: The person or persons which appear to be in common control of applicant and another regulated carrier must file an application under 49 U.S.C. 11343(A) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Lafayette, LA, or Birmingham, AL.)

MC 146666 (Sub-52F), filed October 29, 1979. Applicant: BRISTOW TRUCKING CO., a corporation, P.O. Box 6355A, Birmingham, AL 35217. Representative: Henry Bristow, Jr. (same address as applicant). Transporting (1) zinc, zinc oxide, zinc dust, lead sheet, metallic cadmium, zinc dross, zinc residue, zinc skimmings, and (2) materials, equipment, and supplies used in the manufacture of the commodities in (1) above, between the facilities of St. Joe Zinc Company, at Josephtown, PA, on the one hand, and, on the other, points in AL, FL, GA, IL, KY, and IN. Condition: Person or persons which appear to be in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. 11343(A) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Josephtown, PA, or Birmingham, AL.)

MC 146666 (Sub-53F), filed October 29, 1979. Applicant: BRISTOW TRUCKING CO., a corporation, P.O. Box 6355A, Birmingham, AL 35217. Representative: Henry Bristow, Jr. (same address as applicant). Transporting automobile transmissions and parts and accessories for automobile transmissions, between the facilities of Transmissions Unlimited, Inc., at or near Fairhope, AL, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the indicated points. Condition: Person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. 11343(A) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Birmingham, AL, or Montgomery, AL.)

MC 147536 (Sub-19F), filed October 29, 1979. Applicant: D. L. SITTON MOTOR LINES, INC., P.O. Box 1567, Joplin, MO 64801. Representative: David L. Sitton (same address as applicant). Transporting (1) plumbing goods, (2) bathroom vanities, (3) accessories for bathroom vanities, and (3) materials, equipment, and supplies used in the manufacture and distribution of the commodities in (1) and (2) above (except commodities in bulk), between Phoenix, AZ, Redlands, CA, Union Point and Monroe, GA, Rensselaer and Crawfordsville, IN, Leominster, MA, Omuttu, WA, Salem, OH, New Castle, PA, Hondo and Corsicana, TX, and Willawa, WI, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Universal-Rundle Corporation. (Hearing site: Pittsburgh or New Castle, PA.)

MC 148107 (Sub-1F), filed October 29, 1979. Applicant: JESSE J. MESAL TRUCKING CO., 1500 South Zarzamora St. Representative: Kenneth R. Hoffman, 801 Vaughn Bldg., Austin, TX 78701. Transporting (1) tile, from San Antonio, TX, to points in AZ, CA, CO, NM, OK, and UT, and (2) materials, equipment, and supplies used in the manufacture, sale, or distribution of tile (except commodities in bulk), in the reverse direction. (Hearing site: San Antonio, TX.)


Volume No. 53

Decided: March 7, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.
TRANSPORTING MACHINERY FROM GRAND PRAIRIE, TX TO POINTS IN CA, FL, IL, IA, NV, OR, WA AND WY. (HEARING SITE: DALLAS OR FT. WORTH, TX.)

MC 2398 (SUB-102P), FILED DECEMBER 10, 1979. APPLICANT: BRADLEY-WILDETT TRUCKING LINES, INC., 4262 DEEPWATER TERMINAL RD., P.O. BOX 485, RICHMOND, VA 23204. REPRESENTATIVE: STEVEN L. WEIMAN, SUITE 145, 4 PROFESSIONAL DRIVE, GAITHERSBURG, MD 20876. TRANSPORTING (1) BREWERS CONDENSED SOULDES IN BULK, FROM THE FACILITIES OF ANHEUSER-BUSCH, INC., AT OR NEAR WILLIAMSBURG, VA, TO MANHEIM, PA, ALBANY, AND BUFFALO, NY, AND THE FACILITIES OF ANHEUSER-BUSCH, INC. AT OR NEAR EAST BRUNSWICK, NJ, AND (2) INEDIBLE ANIMAL OILS AND GREASES AND PRODUCTS BY-PRODUCTS OF INEDIBLE ANIMAL OILS AND GREASES FROM (A) POINTS IN NC TO POINTS IN DE AND MD, AND (B) FROM LINVILLE, VA TO PAVTUCKET, RI, AND (C) BETWEEN LINVILLE, VA AND THE ONE HAND, AND, ON THE OTHER, POINTS IN IL AND IN. (HEARING SITE: WASHINGTON, DC.)

MC 2399 (SUB-205), FILED DECEMBER 10, 1979. APPLICANT: WOLVERINE EXPRESS, INC., 1920 WEST FIRST STREET, WINSTON-SALEM, NC 27104. REPRESENTATIVE: DAVID F. ESHELMAN, P.O. BOX 213, WINSTON-SALEM, NC 27102. TRANSPORTING GENERAL COMMODITIES (EXCEPT THOSE OF UNUSUAL VALUE, CLASSES A AND B EXPLOSIVES, HOUSEHOLD GOODS AS DEFINED BY THE COMMISSION, COMMODITIES IN BULK, AND THOSE REQUIRING SPECIAL EQUIPMENT), SERVING THE FACILITIES OF Freedman Airraft Engineering Corp. AT OR NEAR CHARLEVOIX, MI, AS AN OFF-ROUTE POINT IN CONNECTION WITH CARRIER'S REGULAR ROUTE OPERATIONS. (HEARING SITE: DETROIT, MI OR CHICAGO, IL.)

NOTE—DUAL OPERATIONS MAY BE INVOLVED.

MC 3456 (SUB-175P), FILED DECEMBER 3, 1979. APPLICANT: F. J. BOUTELL DRIVEAWAY CO., INC., 703 SOUTH DART HALLWAY, FLINT, MI 48501. REPRESENTATIVE: HARRY C. AMES, JR., 805 McLACHEN BANK BUILDING, 666 ELEVENTH STREET, NW., WASHINGTON, D.C. 20001. TRANSPORTING MOTOR VEHICLES, EXCEPT TRAILERS AND MOTOR HOMES, IN SECONDARY MOVEMENTS, IN TRUCKAWAY SERVICE, FROM BALTIMORE, MD, NEWARK, NJ, AND WILMINGTON, DE, TO POINTS IN CT, ME, NH, RI, AND VT. (HEARING SITE: NEW YORK, NY OR WASHINGTON, DC.)

MC 19778 (SUB-105F), FILED DECEMBER 11, 1979. APPLICANT: THE MILWAUKEE MOTOR TRANSPORTATION COMPANY, A CORPORATION 516 WEST JACKSON BOULEVARD, SUITE 508, CHICAGO, IL 60606. REPRESENTATIVE: ROBERT F. MUNSELL, 518 WEST JACKSON BOULEVARD, SUITE 508, CHICAGO, IL 60606. TRANSPORTING CEMENT FROM RAPID CITY, SD, TO POINTS IN CO, MT, NE, AND WY.

MC 23290 (SUB-277F), FILED DECEMBER 6, 1979. APPLICANT: MISSOURI-NEBRASKA EXPRESS, INC., 6310 ST. JOSEPH AVE., ST. JOSEPH, MO 64505. REPRESENTATIVE: E. WAYNE FARMER, CITY CENTER SQUARE 27TH FLOOR, 12TH & BALTIMORE, P.O. BOX 26010, KANSAS CITY, MO 64198. 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 HANDLING) (1) BETWEEN THE FACILITIES OF GECO, INC., AT ST. JOSEPH, MO, AND THE FACILITIES OF ACoustics Development Corporation At Northbrook, IL, AND (2) BETWEEN THE FACILITIES OF THE QUAKER OATS COMPANY AT (A) PEKIN, IL, (B) PELORIA, IL, AND (C) ST. JOSEPH, MO, RECORDED IN (1) AND (2) TO THE TRANSPORTATION OF SHIPMENTS ORIGINATING AT OR DESTINED TO THE NAMED FACILITIES. (HEARING SITE: CHICAGO, IL.)


MC 25798 (SUB-382F), FILED DECEMBER 5, 1979. APPLICANT: CLAY HYDER TRUCKING LINES, INC., P.O. BOX 1166, AUBURNDALE, FL 33823. REPRESENTATIVE: TONY G. RUSSELL (SAME AS APPLICANT). TRANSPORTING DAIRY PRODUCTS AS DESCRIBED IN SECTION B OF APPENDIX 1 TO THE REPORT IN DESCRIBTIONS IN MOTOR CARRIER CERTIFICATES 61, M.C.C. 209 AND 766, FROM GREEN BAY, WI, TO DENVER AND GRAND JUNCTION, CO.

MC 25869 (SUB-189F), FILED DECEMBER 4, 1979. APPLICANT: NOLTE BROS. TRUCK LINES, INC., 6217 GILMORE AVENUE, P.O. BOX 7194, OMAHA, NE 68107. REPRESENTATIVE: IRWIN SCHWARTZ (SAME AS APPLICANT). TRANSPORTING MEATS, MEAT PRODUCTS, MEAT BYPRODUCTS AND ARTICLES DISTRIBUTED BY MEAT-PACKING HOUSES (EXCEPT HIDES AND COMMODITIES IN BULK), AS DEFINED IN SECTIONS A AND C OF APPENDIX I TO THE REPORT IN DESCRIPTIONS IN MOTOR CARRIER CERTIFICATES 61, M.C.C. 209 AND 766, FROM THE FACILITIES OF WILSON FOODS CORPORATION AT OMAHA, NE TO POINTS IN IN, OH, MI, MD, NJ, NY, PA, VA, AND DC, RESTRICTED TO THE TRANSPORTATION OF TRAFFIC ORIGINATING AT THE NAMED ORIGINS AND DESTINED TO THE INDICATED DESTINATIONS.

MC 25869 (SUB-189F), FILED DECEMBER 4, 1979. APPLICANT: NOLTE BROS. TRUCK LINES, INC., A CORPORATION, 6217 GILMORE AVENUE, OMAHA, NE 68107. REPRESENTATIVE: IRWIN SCHWARTZ (SAME ADDRESS AS APPLICANT). TRANSPORTING MEATS, MEAT PRODUCTS, MEAT-BYPRODUCTS AND ARTICLES DISTRIBUTED BY MEAT-PACKING HOUSES (EXCEPT HIDES AND COMMODITIES IN BULK), AS DEFINED IN SECTIONS A AND C OF APPENDIX I TO THE REPORT IN DESCRIPTIONS IN MOTOR CARRIER CERTIFICATES 61, M.C.C. 209 AND 769 FROM THE FACILITIES OF WILSON FOODS CORPORATION AT CEDAR RAPIDS AND CHEROKEE, IA TO DENTON, CO, RESTRICTED TO THE TRANSPORTATION OF TRAFFIC ORIGINATING AT THE NAMED ORIGINS AND DESTINED TO THE INDICATED DESTINATIONS. (HEARING SITE: DALLAS, TX, OR KANSAS CITY, MO.)

MC 26539 (SUB-3F), FILED DECEMBER 13, 1979. APPLICANT: DEL TRANSPORT, INC., 4 CROW POINT ROAD, LINCOLN, RI 02868. REPRESENTATIVE: ERNEST W. HILMER, 15 COURT SQUARE, BOSTON, MA 02108. TRANSPORTING MACHINED PARTS, BETWEEN WARWICK, RI, ON THE ONE HAND, AND, ON THE OTHER, POINTS IN CT. (HEARING SITE: PROVIDENCE, RI.)


MC 26079 (SUB-163F), FILED DECEMBER 4, 1979. APPLICANT: BRADA MILLER FREIGHT SYSTEM, INC., P.O. BOX 935, KOKOMO, IN 46901. REPRESENTATIVE: CHANDLER L. VAN ORMAN, 1729 H STREET, NW., WASHINGTON, DC 20006. TRANSPORTING (1) SILO ROOFS AND ACCESSORIES FOR SILO ROOFS FROM THE FACILITIES OF RALIOT COMPANY, INC., AT OR NEAR PLAINFIELD, IL, TO POINTS IN AL, DE, GA, IN, KY, LA (EXCEPT THOSE WEST OF THE MISSISSIPPI RIVER), MD, NY, NJ, NC, OH, PA, MD, LOWER PENINSULA OF MI, MS, SC, TN, VA, WV, WI, AND DC AND (2) MATERIALS, EQUIPMENT AND SUPPLIES USED IN THE MANUFACTURE OF THE COMMODITIES IN (1)
above, in the reverse direction. (Hearing site: Washington, DC)

MC 29079 (Sub-166F), filed December 10, 1979. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., P.O. Box 935, Kokomo, IN 46901. Representative: Chandler L. Van Orman, 1729 H Street, NW, Washington, DC 20206. Transporting iron and steel articles, and equipment, materials and supplies used in the manufacturing of iron and steel articles, between the facilities of Southeastern Steel at or near (1) Florence and Charleston, SC and (2) Lumberton, NC, on the one hand, and, on the other, points in AL, DE, GA, IL, IN, KY, LA (except those on and west of the Mississippi River), MD, MI, MS, MO, NJ, NY, NC, OH, PA, SC, TN, VA, WV, WI, and DC. (Hearing site: Washington, DC)

MC 29079 (Sub-167F), filed December 12, 1978. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., P.O. Box 935, Kokomo, IN 46901. Representative: Chandler L. Van Orman, 1729 H Street, NW, Washington, DC 20006. Transporting iron and steel articles and (2) materials, equipment and supplies used in their manufacture, sale and distribution, between Guntersville, AL, Michigan City, IN, and Carlinville, IL, on the one hand, and, on the other, points in AL, DE, GA, IL, IN, KY, LA (on and east of the Mississippi River), MD, the lower peninsula of MI, MS, MO, NJ, NC, OH, PA, SC, TN, VA, WV, WI, and DC. (Hearing site: Washington, DC)

MC 30319 (Sub-151F), filed December 4, 1979. Applicant: SOUTHERN PACIFIC TRANSPORT COMPANY OF TEXAS AND LOUISIANA, 1766 El Camino Real, P.O. Box 590, Burlingame, CA 94010. Representative: Lloyd M. Roach, 7000 South Central Expressway, P.O. Box 226187, Dallas, TX 75266. Transporting general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) serving the facilities of Fisher Price Toys at or near Medina and Holland, NY as off-route points in conjunction with carrier's presently authorized regular-route operations. Transporting general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Fisher Price Toys at or near Medina and Holland, NY as off-route points in conjunction with carrier's presently authorized regular-route operations.

Note.—Dual operations may be involved.

MC 31389 (Sub-392F), filed December 12, 1979. Applicant: McLEAN TRUCKING COMPANY, a corporation, 1920 West First Street, Winston-Salem, NC 27104. Representative: David F. Eschelman, P.O. Box 213, Winston-Salem, NC 27102. Transporting general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Fisher Price Toys at or near Medina and Holland, NY as off-route points in conjunction with carrier's presently authorized regular-route operations.

Note.—Dual operations may be involved.

MC 35359 (Sub-51F), filed December 4, 1978. Applicant: BERGER TRANSFER & STORAGE, INC., 3720 Macalaster Drive NE, Minneapolis, MN 55422. Representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting (1) radios, phonographs, televisions, tope players, recorders and other such commodities as dealt in by Home Entertainment Centers, and (2) parts and accessories and components for the above described commodities, between the facilities of Team Centurian Inc, MN, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Minneapolis, MN)

MC 35358 (Sub-209F), filed December 21, 1979. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, P.O. Box 16404, Denver, CO 80216. Representative: Lee E. Lucero (same address as applicant). Over regular routes, transporting general commodities (except those of unusual value, classes A and B explosives, commodities in bulk, and those requiring special equipment) between Denver, CO, and Salt Lake City, UT, and return over the same routes, serving the intermediate points of Reno, NV, and Salt Lake City and Ogden, UT, and (2) between Denver, CO, and Salt Lake City, UT, from Denver over Interstate Hwy 70 to jct. US Hwys 6 and 50, then over US Hwys 6 and 50 to jct. Interstate Hwy 15 to Salt Lake City, UT, and return over the same route, serving the intermediate point of Grand Junction, CO Applicant intends to tack and interline this authority. (Hearing sites: Denver and Grand Junction, CO, Salt Lake City, UT, Reno, NV, and Sacramento, CA.)

MC 50069 (Sub-555F), filed December 5, 1979. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 415 Elvis Presley Avenue, Oregon, OR 97036. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114. Transporting coal tar and coal tar products, in bulk, in tank vehicles, from Detroit, MI to points in IL, IN, NJ, NY, OH, PA and WI.

Note.—Dual operations may be involved.

MC 52709 (Sub-384F), filed December 13, 1979. Applicant: RINGSBY TRUCK LINES, INC., 3380 Quebec St., P.O. Box 7240, Denver, CO 80207. Representative: Rick Bunker (same address as applicant). Transporting (1) insulation material (a) from McPherson, KS, to points in CO, and (b) from Pueblo, CO, to points in KS, MT, NE, ND, SD, and WY, and (2) plastic bottles, from Denver, CO, to Sweetgrass, MT. (Hearing site: Denver, CO)

MC 56679 (Sub-152), filed December 7, 1979. Applicant: BROWN TRANSPORT CORP., 352 University Ave., SW.,
Everglades, FL, on the other points in FL. (2) between Panama City, FL, on the one hand, and, on the other points in FL, and those in AL, on and south of U.S. Hwy. 60.

(Hearing site: Atlanta, GA or Washington, DC.)

Representative: Leonard S. Cassell (same as applicant). Transporting general commodities, including chewing gum, from the facilities of Fleen Corporation, Philadelphia, PA to points in IL, IN, MI, and OH.

(Hearing site: Atlanta, GA or Washington, DC.)

Representative: David L. Capps (same as applicant). Transporting canned and preserved foodstuffs (except in bulk) from the facilities of Cliffster Corp. at Dunkirk, NY, to points in KY, TN, and TX. (Hearing site: Atlanta, GA, or Washington, DC.)

MC 64608 (Sub-44F), filed December 12, 1979. Applicant: W. S. THOMAS TRANSFER, INC., 1854 Morgantown Avenue, Fairmont, WV 26554.
Representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219.
Transporting canned and preserved foodstuffs (except in bulk) from the facilities of AFG Industries, Inc., at Kingsport and Greenland, TN, to the facilities of AFC Industries, Inc., at Clarksburg and near Clarksburg, WV. (Hearing site: Washington, DC or Pittsburgh, PA.)

Representative: Joseph T. Bambrick, Jr., P.O. Box 218, Douglassville, PA 19518. Transporting engraved or etched rollers (except rolling machines) between Norwich, CT, and points in NJ, and those points in PA on and east of the Susquehanna River. (Hearing site: Camden, NJ, or Philadelphia, PA.)

Representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Transporting paper and published products, and (2) materials, supplies, and equipment used in the manufacture and distribution thereof (except in bulk) between those points in the United States in and east of MI, IN, KY, TN and MS (except AK, HI, VT, CT, MA and RI), restricted to traffic originating at or destined to the facilities of Scott Paper Company. (Hearing site: Washington, DC or Harrisburg, PA.)

MC 78228 (Sub-154F), filed December 7, 1979. Applicant: J MILLER EXPRESS, INC., 952 Greentree Road, Pittsburgh, PA 15220.
Representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219. Transporting activated carbon, in dump vehicles, between the facilities of ICI Americas Inc. in Marshall, TX, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Washington, DC, or Wilmington, DE.)

MC 68386 (Sub-43F), filed December 3, 1979. Applicant: CARTWRIGHT VAN LINES, INC., 11901 Cartwright Ave., Grandview, MO 64030. Representative: Thomas R. Kingsley, 10614 Amherst Ave., Silver Spring, MD 20902. Transporting (1) bar, kitchen, and foodservice furniture, fixtures, and furnishings, (2) accessories, and (3) materials, equipment, and supplies (except foodstuff) used in the manufacture and distribution of the commodities described in (1) above, and (3) materials, equipment, and supplies (except foodstuff) used in the manufacture and distribution of the commodities described in (1) and (2) above, (a) between points in IL, MO, OH, and WI, and (b) from points in IL, IN, MO, OH, and WI to points in the United States (except AK and HI). (Hearing site: Kansas City, MO or Washington, DC.)

MC 67658 (Sub-4P), filed December 10, 1979. Applicant: N & B EXPRESS, INC., Deerfield Industrial Park, South Deerfield, MA 01373. Representative: James M. Burns, 3383 Main Street—Sulto 413, Springfield, MA 01103. Transporting wood stoves, and equipment, materials, and supplies used in the manufacture, sale and distribution of wood stoves, between Rocky Hill, CT and points in MA. restricted to traffic originating at or destined to the facilities of Tekton Design Corp. (Hearing site: Springfield, MA or Hartford, CT.)

MC 99149 (Sub-14F), filed October 12, 1979. Applicant: MIDWAY MOTOR FREIGHT LINES, INC., 8400 New Benton Highway, Little Rock, AR 72219. Representative: Charles J. Lincoln II, 1550 Tower Building, Little Rock, AR 72201. Over regular routes, transporting general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those commodities requiring special equipment), between Y City, AR, and Fort Smith, AR over U.S. Hwy 71, serving no intermediate points. Applicant intends to meet with its existing authorities. (Hearing site: Fort Smith, AR.)

MC 68668 (Sub-7F), filed December 3, 1979. Applicant: MAYFIELD TRANSFER CO., INC., 3200 West Lake St., Melrose Park, IL 60160. Representative: Edward
C. Bazelon, 39 South LaSalle St.,
Chicago, IL 60603. Transporting general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), over regular routes, (1) between Rockford, IL, and Portage, WI, over U.S. Hwy 51 serving all intermediate points, (2) between Portage, WI, and Port Washington, WI, over WI Hwy 33 serving all intermediate points, (3) between Milwaukee, WI, and Two Rivers, WI, from Milwaukee over Interstate Hwy 43 to junction U.S. Hwy 141, then over U.S. Hwy 141 to junction WI Hwy 62, then over WI Hwy 62 to Two Rivers, and return over the same route, serving all intermediate points, (4) between Sheboygan, WI, and Chilton, WI, from Sheboygan over WI Hwy 42 to junction WI Hwy 32, then over WI Hwy 32 to Chilton, and return over the same route, serving all intermediate points, (5) between Sheboygan, WI, and Plymouth, WI, over WI Hwy 23, serving all intermediate points, serving Random Lake, Cedar Grove, and Gibsonville, WI, and all points in WI on and east of U.S. Hwy 81 and south of WI Hwy 33 as off-route points in connection with each of the above routes. Applicant proposes to tack the requested authority with its existing authority. (Hearing site: Chicago, IL.)

MC 100449 (Sub-116F), filed December 10, 1979. Application of MALLINGER TRUCK LINE, INC., R.R. 4, Fort Dodge, IA 50501. Representative: Thomas E. Leathy, Jr., 1980 Financial Center, Des Moines, IA 50309. Transporting meats, meat products, meat byproducts, and articles distributed by meat-packing houses (except hides and commodities in bulk) as defined in Sections A and C of Appendix 1 to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from the facilities of Wilson Foods Corporation at [a] Marshall, MO, and [b] Omaha, NE, to points in OK and TX, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Dallas, TX or Kansas City, MO.)

MC 104379 (Sub-49F), filed December 4, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Fred Rahal, Jr., 525 South Main, Tulsa, OK 74103. Transporting cheese from Luana, IA, to Chicago, IL, and points in UT. (Hearing site: Des Moines, IA or Minneapolis, MN.)

MC 106498 (Sub-1048F), filed December 31, 1979. Applicant: HILL TRUCK CO., LTD., Rural Route 3, Luling, TX 78648. Representative: Robert A. Clar, 1200 W. South LaSalle St., Chicago, IL 60603. To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Chicago, IL, and points in IA; (a) from Chicago over Interstate Hwy 55 to junction Interstate Hwy 80, then over Interstate Hwy 80 to Davenport, IA, then over U.S. Hwy 6 to Des Moines, IA (also from Davenport over Interstate Hwy 80 to Des Moines), and return over the same route, and (b) from Chicago over U.S. Hwy 94 to junction U.S. Hwy 30, then over U.S. Hwy 30 to junction U.S. Hwy 169, then over U.S. Hwy 169 to Ft. Dodge, IA, and return over the same route, serving in (1)(a) and (1)(b), all
connection with carrier's authorized route for operating convenience only, in intermediate points, as an alternate between Chicago, Harbor, between South Bend, IN, and Benton Buchanan and Dowagiac, Interstate Hwy 94 to Kalamazoo, and return over the same route, serving 131, then over MI Hwy 60 to junction. Inter-state Hwy 218 and MI Hwy 92, over U.S. Hwy 218, serving no intermediate points, as an alternate route for operating convenience only, in connection with carrier's authorized regular-route operations, and (7) serving the facilities of Minnesota Mining and Manufacturing Company, at or near Knoxville, IA, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Chicago, IL, or Des Moines, IA.)

Note.—Applicant intends to tack these authorities to others.

MC 108869 (Sub-370F), filed December 13, 1979. Applicant: W. S. HATCH CO., a corporation, P.O. Box 1825, Salt Lake City, UT 84110. Representative: Mark K. Boyle, Suite 400, 16 Broadway Bldg., Salt Lake City, UT 84101. Transporting chemicals, in bulk, from Casper, WY, to points in AZ, CO, ID, MT, NM, NV, OR, UT, WA, WD, and WI.

MC 110828 (Sub-6F), filed December 4, 1979. Applicant: OTR INDUS TRANSPORTATION COMPANY, 210 South Monroe St., P.O. Box 1602, Butler, PA 16001. Representative: Samuel P. Delisi, 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 15222. Transporting passengers and their baggage in the same vehicle with passengers, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at points in Allegheny County, PA and extending to points in the United States (including AK, but excluding HI). (Hearing site: Pittsburgh, PA.)

MC 113338 (Sub-131F), filed December 31, 1979. Applicant: LESTER C. NEWTON TRUCKING CO., a corporation, P.O. Box 618, Seaford, DE 19973. Representative: Chester A. Zybut, 366 Executive Bldg., 1030 Fifteenth Street, NW, Washington, DC 20005. Transporting (1) such merchandise as is dealt in by chain grocery stores and food business houses, and (2) materials, equipment, and supplies used in the manufacture and distribution thereof (except in bulk), between Omaha, NE, and those points in the United States in and east of MN, IA, MO, AR, and LA, restricted to traffic originating at or destined to the facilities of Campbell Soup Company. (Hearing site: Washington, DC.)

MC 113676 (Sub-856F), filed December 3, 1979. Applicant: Curtis, Inc., 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (same as applicant). Transporting meats, meat products, meat by-products and articles distributed by meat packhous (except hides and commodities in bulk), from the facilities of Wilson Foods Corporation located at Albert Lea, MN, Cedar Rapids, Cherokee and Des Moines, IA, to points in CA, restricted to the transportation of traffic originating at the above named origin points and destined to the named destinations.

MC 113878 (Sub-856F), filed December 3, 1979. Applicant: Curtis, Inc., 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (same as applicant). Transporting chemicals and chemical compounds (except commodities in bulk) from points in CA and OR to Salt Lake City, UT.

MC 113878 (Sub-881F), filed December 31, 1979. Applicant: Curtis, Inc., 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (same as applicant). Transporting foodstuffs from points in CA to points in MN, WI, MS, AL, TN, SC, NC, KY, WV, NH, VT, ND, and ME, (2) foodstuffs (except frozen), from points in CA to points in SD, NE, KS, OK, IA, MO, AR, IL, MI, IN, OH, VA, MD, DE, NJ, NY, PA, CT, RI, MA, and DC, (3) foodstuffs (except canned goods, frozen foods, and meats) from points in CA to points in OR and WA, and (4) foodstuffs (except frozen meats) from points in CA to points in FL restricted in parts (1), (2), (3), and (4) against the transportation of commodities in bulk.

MC 113980 (Sub-468F), filed December 17, 1979. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 10008 G.S., 2255 N. Packer Road, Springfield, MO 65804. Representative: Jim G. Erickson (same address as applicant). Transporting tallow, in bulk, from the facilities of Iowa Beef Processors, Inc., at or near Holcomb, KS, to points in TX, LA, OK, AR, TN, MO, IA, IL, IN, MN, WI, OH, CO, NJ, MA, AZ, CA, NV, UT, WA, OR, NM, NE, WV and PA. (Hearing site: Omaha, NE, or Sioux City, IA.)

MC 114589 (Sub-366F), filed December 10, 1979. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingston, PA 17072. Representative: N. L. Cummins (same address as applicant). Transporting oleomargarine (except in bulk) from the facilities of Osciola Foods, Inc. at or near Osceola, AR to points in NY, NJ, MA, CT, RI, PA, VA, MD, DE, and DC. (Hearing site: Little Rock, AR or Washington, DC.)

Note.—Dual operations may be involved.

MC 114648 (Sub-63F), filed December 3, 1979. Applicant: WHARTON TRANSPORT CORPORATION, 1498 Channel Avenue, P.O. Box 13006, Memphis, TN 38113. Representative: James M Wharton, (same as
Transporting clay and clay blends, from Ripley, MS and Ochlocknee, GA to points in IL, IN, KY, TN, OH, WV, VA, NC, SC, GA, FL, AL, MS, LA, AR, TX, MO, OK, KS, NE, IA, MN, WI, MI, PA, NY, NJ, DE, MD, CO, and DC.

MC 117068 (Sub-119F), filed July 31, 1979, published in Federal Register issue February 7, 1980. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., P.O. Box 6418, Rochester, MN 55901. Representative: Paul F. Sullivan, 711 Washington Building, Washington, DC 20005. Transporting (1) self-propelled compaction equipment, maintenance equipment and sweepers between New Ulm, MN, on the one hand, and on the other, points in the United States (except AK and HI). This republication broadens part (2).

MC 117119 (Sub-802F), filed December 8, 1979. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L.M. McLean (same address as applicant). Transporting: such commodities as are dealt in by department stores (except commodities in bulk) between points in the United States (except AK and HI), restricted to traffic originating at or destined to the facilities of Target Stores, Division of Dayton-Hudson Corporation. (Hearing site: Minneapolis, MN or Washington, DC.)

MC 117119 (Sub-804F), filed December 28, 1979. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: Martin M. Geffen, P.O. Box 156, Mt. Laurel, NJ 08054. Transporting (1) plastic articles and plastic materials, and (2) materials, supplies and equipment used in their manufacture, distribution and sale (except in bulk), between the facilities of Tupperware Company, Division of Dart Industries, Inc., at Jerome, ID, on the one hand, and on the other, the facilities of Tupperware Company at (a) Halls, TN, (b) N. Smithfield, RI, (c) Hemingway, SC, and (d) Birmingham, AL.

MC 117589 (Sub-71F), filed December 11, 1979. Applicant: PROVISIONERS FROZEN EXPRESS, INC., 9801 7th Ave., S., Seattle, WA 98108. Representative: Michael D. Duppenthaler, 211 S. Washington St., Seattle, WA 98104. Transporting meats, meat products and meat by-products and articles distributed by meat-packing houses, as described in section A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates 81 M.C.C. 209 and 766, from Grand Island, NE to points in ID, MT, OR, UT and WA. (Hearing site: Seattle, WA.)

MC 117589 (Sub-72F), filed December 11, 1979. Applicant: PROVISIONERS FROZEN EXPRESS, INC., 3801 7th Ave., S., Seattle, WA 98108. Representative: Michael D. Duppenthaler, 211 South Washington St., Seattle, WA 98104. Transporting general commodities (except classes A and B explosives) between points in the commercial zone of Seattle, WA, restricted to traffic having a prior or subsequent movement by water. (Hearing site: Seattle, WA.)

MC 116159 (Sub-366F), filed December 3, 1979. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51858, Dawson Station, Tulsa, OK 74151. Representative: Warren L. Troupe, 2460 E. Commercial Blvd., Fort Lauderdale, FL 33308. Transporting (1) self-propelled lawn and garden tractors, self-propelled lawn mowers and engines combined, self-propelled snow throwers, and parts, accessories, and attachments therefor; and (2) equipment, materials, and supplies used in the manufacture and distribution of the commodities named in (1) above between McDonough, GA on the one hand, and, on the other, points in NE, IA, MN, WI, IL, IN, MI, OH, KY, TN, MS, AL, GA, FL, SC, NC, VA, WV, PA, MD, DE, NJ, NY, CT, RI, MA, VT, NH, ME, and DC. (Hearing site: Chicago, IL.)

MC 116159 (Sub-366F), filed December 3, 1979. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51858, Dawson Station, Tulsa, OK 74151. Representative: Warren L. Troupe, 2460 E. Commercial Blvd., Fort Lauderdale, FL 33308. Transporting such commodities as are dealt in by manufacturers and distributors of drugs, pharmaceuticals, and feed additives between Somerville, NJ, St. Louis, MO, and Des Moines, IA, on the one hand, and, on the other, points in the United States (except AK and HI).


MC 118838 (Sub-64F), filed December 5, 1979. Applicant: GABOR TRUCKING, INC., Route 4, Box 124B, Detroit Lakes, MN, 56501. Representative: Richard P. Anderson, 592 First National Bank Bldg., Fargo, ND 58102. Transporting vegetable meats and by-products thereof, between the facilities of Cargill, Inc., at or near Riverside, ND, on the one hand, and on the other points in the United States (except AK and HI).

MC 119399 (Sub-120F), filed December 3, 1979. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, 2990 Davis Boulevard, Joplin, MO 64801. Representative: Thomas P. O'Hara (same address as applicant). Transporting livestock feeders, (except plastic containers or commodities in bulk), from the facilities of Poli-Tron, Inc., Crawford County, KS, to points in the United States (except AK and HI), and materials and supplies used in the manufacturing of the above commodity from points in the United States (except AK and HI) to the facilities of Poli-Tron, Inc., Crawford County, KS. (Hearing site: Kansas City, MO or Wichita, KS.)

MC 119369 (Sub-27F), filed December 3, 1979. Applicant: PEERLESS TRANSPORT CORP., 2701 Railroad Street, Pittsburgh, PA 15228. Representative: Robert T. Hefferin (same address as applicant). Transporting chemicals, (except in bulk), (1) between Chester, PA, on the one hand, and on the other points in IL, IN, KY, MI, MN, MO, OH, WV and WI and (2) between LaSalle, IL, and Anderson, IN, on the one hand, and on the other points in PA. (Hearing site: Pittsburgh, PA or Washington, DC.)

MC 119789 (Sub-655F), filed December 4, 1979. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226183, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same address as applicant). Transporting foodstuffs (other than frozen) from Turkey, NC, to points in CT, ME, MA, NH, NJ, NY, OH, PA, RI, and VT. (Hearing site: Peoria or Chicago, IL.)

MC 119789 (Sub-656F), filed December 17, 1979. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226183, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same address as applicant). Transporting plastic articles from Atlanta, GA, to Dayville, and East Hartford, CT, and Mt. Vernon, OH. Hearing site: Atlanta, GA.

MC 119789 (Sub-658F), filed December 12, 1979. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226183, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same address as applicant). Transporting non-alcoholic cocktail mixes, in containers, from Long Beach, CA, to points in AR, LA, and TX. (Hearing site: Dallas, TX.)

MC 119789 (Sub-659F), filed December 13, 1979. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O.
Transporting (1) such commodities as are dealt in by wholesale and retail chain grocery stores, drug stores, and hardware stores, in containers, and (2) materials and supplies used in their manufacture (except in bulk) between Atlanta, GA, and Dallas, TX, on the one hand, and, on the other, points in CA. (Hearing site: New York City, NY.)

MC 119986 (Sub-231F), filed December 6, 1979. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1389, Lufkin, TX 75901. Representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, TX 76102. Transporting plastic materials, plastic products and chemicals between points in the United States (except AK and HI) restricted to shipment originating at or destined to the facilities of Amoco Chemical Corporation. (Hearing site: Houston or Dallas, TX.)

MC 119988 (Sub-232F), filed December 13, 1979. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1389, Lufkin, TX 75901. Representative: Hugh T. Matthews, 2340 Fidelity Union Towers, Dallas, TX 75201. Transporting (1) pulpboard boxes from Dallas, TX, to points in the United States (except AK and HI) and (2) materials, equipment, and supplies used in their manufacture and distribution from points in the United States (except AK and HI) to Dallas, TX. (Hearing site: Dallas, TX.)

MC 119989 (Sub-233F), filed December 10, 1979. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1389, Lufkin, TX 75901. Representative: Hugh T. Matthews, 2340 Fidelity Union Towers, Dallas, TX 75201. Transporting chemicals (except in bulk), and materials, equipment, and supplies used in the manufacture and distribution of chemicals between Dallas, TX, on the one hand, and, on the other, points in the U.S. (except AK and HI). (Hearing: Dallas, TX.)

Agatha L. Margenovich, Secretary.

Released Rates Order No. MC-770 by publishing in Household Goods Carriers' Bureau Tariffs released value rates between points and places in Arizona, California, Colorado, Connecticut, Illinois, Indiana, Maine, Massachusetts, Minnesota, New Hampshire, New Mexico, New York, North Carolina, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Texas, Vermont and Washington, on commodities used in the manufacture of computers and computer equipment, in mixed loads with household goods tendered for transportation.

Addresses: Anyone seeking copies of this application should contact: Mr. S. S. Eisen, Eisen and Mitchell, 370 Lexington Avenue, New York, NY 10017.

For further information contact: Mr. Harold Ward, Bureau of Traffic, Interstate Commerce Commission, Washington, DC 20423, Tel. (202) 275-7497.

Supplementary Information: Relief is sought from 49 U.S.C. 10730, formerly Sections 20(11) and 219 of the Interstate Commerce Act, to publish released value rates based on value in the tariffs of the Household Goods Carriers' Bureau.

James H. Baynes, Acting Secretary.

[Distributed Service Order No. 1398 and Authorization Order No. 28]

Kansas City Terminal Railway Co.—Directed To Operate Over—Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

Decided: March 18, 1980.

Under Directed Service Order No. 1398 and 1398 (Sub-Nos. 1 and 2), the Commission directed Kansas City Terminal Railway Company (KCT) to provide service as a directed rail carrier (DRC) under 49 U.S.C. 11125 over the lines of the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) ("RI").


Directed service is currently scheduled to extend through 11:59 p.m. (Central Time), March 23, 1980.

Supplement Order No. 4 to DSO No. 1398 required the DRC to obtain prior Commission approval for all rehabilitation for freight cars and other non-locomotive equipment which exceeds $1,200 per unit. See Supplement Order No. 4 (served October 15, 1979)

[44 FR 61127, Oct. 23, 1979]. Accordingly, the DRC submitted an urgent request for authority to pay for repairs to a crane. See wire to Joel E. Burns, dated March 12, 1980.

RI operates a Drott Crane Model 85 RM2 identified as Unit No. 302. This unit is assigned to the mechanical department at Peoria, Ill., and is used for adjusting loads, loading and unloading of material, and other general work associated with bad order car repair operations. This is a specialized equipment which is not available for lease in this area.

Certain repairs to the crane were necessary and through a misunderstanding, the repairs were performed without prior Commission approval.

More specifically, these repairs consisted of rebuilding the transmission at an actual cost of $2,242.16, and were performed by the M.H. Equipment, Inc., at Peoria, Ill. Payment to the repair shop has not been made and the vehicle has not yet been released to the DRC.

The DRC needed to have this crane repaired on the following grounds: (1) it is used for adjusting loads; (2) it is used for loading and unloading material; and (3) it is used for other general work associated with bad order car repair operations.

We believe the DRC should be authorized to tender payment for the repairs already made to Drott Crane, Model 85 RM2, identified as Unit No. 302.

We find: 1. This action will not significantly affect either the quality of the human environment or the conservation of energy resources. See 49 CFR Parts 1106, 1108 (1978).

It is ordered: 1. The DRC is authorized to pay for repairs already made to Drott Crane Model 85 RM2, identified as Unit No. 302, located at Peoria, Ill., at a maximum cost of $2,242.16, as requested in a telegram from the DRC to Joel E. Burns dated March 12, 1980.

2. This decision shall be effective on its service date.

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

James H. Baynes, Acting Secretary.

[Distributed Service Order No. 1494]

[Application No. MC-1494]

Household Goods Carriers' Bureau Tariffs: Released Value Rates

Agency: Interstate Commerce Commission.

Action: Notice Released Rates Application No. MC-1494.

Summary: Neptune World Wide Moving, Inc., seeks authority to modify

Federal Register / Vol. 45, No. 59 / Tuesday, March 25, 1980 / Notices
U.S. Railroads—Petition for Declaratory Order—Elimination of Grain Table for General Rate Increase—Master Tariff

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Petition Filing.

SUMMARY: The Commission invites public comment on the proposed elimination of grain tables from master tariffs published in connection with rail general rate increases. The proposal, filed by certain U.S. railroads, is designed to reduce costs and simplify tariffs.

DATES: Comments must be received on or before April 24, 1980. Statements of interest may be submitted by April 12, 1980. Comments on petitions are due on or before May 22, 1980. Responses by interested parties are due on or before June 19, 1980. Petition for issuance of a declaratory order should be received on or before May 22, 1980.

ADDRESS: An original and 15 copies of comments should be sent to: Office of Proceedings—Room 3540, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Richard Felder, (202) 275-7693.

SUPPLEMENTARY INFORMATION: The United States railroads (petitioners) filed a petition on December 21, 1979, seeking the institution of a declaratory order proceeding to eliminate grain tables from master tariffs publishing rail general rate increases. According to 5 U.S.C. 554(e), the Commission has discretionary authority to issue a declaratory order to terminate a controversy or remove uncertainty. Since neither a controversy nor an uncertainty as contemplated by that section is involved here, the railroads' petition for the issuance of a declaratory order will be treated as a general petition to eliminate the use of grain tables.

Since 1946, the Commission has required that master tariffs applying general rate increases contain special grain tables which round off the approved percentage increases on grain and grain product rates to the nearest half cent. Increased Railway Rates, Fares, and Charges, 266 I.C.C. 557, 617 (1946). For all other commodities, percentage increases are rounded off to the nearest whole cent.

The reason given for maintaining half cent grain tables was that the western grain rate structure was in such delicate balance that a difference of a half cent determined to which market grain would be shipped. Increased Freight Rates, 1969, 337 I.C.C. 436, 459 (1970).

Petitioners contend that the current rate of inflation has made half cent differences in freight rates meaningless. While they concede that grain tables may have served a useful purpose in the past, they believe that the tables have outlived their usefulness.

Furthermore, petitioners are convinced that the half cent differences resulting from the elimination of the grain tables will not exaggerate rate differentials within a region. They explain that from any given origin some rates may be higher, some lower and some unchanged but no origin is likely to be disadvantaged to all destinations. Additionally, they observe that the half cent change is too insignificant to affect the grain flow in this country, which they claim is influenced by factors such as world and domestic supply and demand, elevator storage capacity and the availability of ships at various ports. Therefore, they conclude that the elimination of the grain tables will not disrupt the grain freight rate structure.

Petitioners declare that elimination of grain tables will not result in windfall profits to carriers. This is illustrated by the fact that, according to petitioners, the maximum impact this proposal could have would be to increase carrier profit by nine dollars on a typical 90 ton load of grain. Petitioners detail the cost savings to both shippers and carriers if the grain tables are eliminated. Carriers' costs of publishing the tariffs will be reduced, as will the costs to all shippers who subscribe to railroad tariffs. Additionally, they claim that there will be a reduction in the cost of programming computers to update rates following a general increase. Reduced costs will also result from the time saved by rate quotation clerks and accounting staffs in consulting separate increase tables, according to petitioners. Finally, they assert that shippers' freight bill auditing costs will be diminished.

Arguably, tariff simplification would also be furthered by eliminating grain tables. Petitioners maintain that this proposal will reduce the current complexity of calculating rates by reference to the grain tables. In turn, this will substantially reduce the possibility of rate computation error and will eliminate the differing application of the grain tables between territories. Petitioners also claim that the elimination of grain tables will further simplify tariffs by solving the problem of dual rate items, which provide for straight and grain table increases on different commodities listed in the same item. They note that this problem of dual rates is carried over to basic commodity tariffs as increases contained in the master tariffs are incorporated into the rates in those tariffs. Additionally, they point out that the rating of mixed carload shipments containing both grain and grain products, on the one hand, and non-grain commodities, on the other, will be greatly simplified by the use of a single increase table for all commodities. Currently, in order to rate a mixed carload, it is necessary to consult both the regular commodity ex parte increase and the grain table application.

Petitioners request that the protest of Miller Brewing Company (Miller) filed in Ex Parte No. 368, Increased Freight Rates and Charges, Nationwide—1979 be made a part of the record in this proceeding. In that protest, Miller urged the Commission to eliminate grain tables. The reasons advanced by Miller are basically the same as those suggested here by petitioners. Since the protest is verified and there has been no objection to its being made a part of the record, petitioners' request will be granted.

Finally, petitioners stress the fact that they have publicized their intent to seek this relief in dockets in all three regional rate bureaus and have received responses indicating overwhelming shipper support for the elimination of grain tables.

We believe that petitioners have identified numerous public and private benefits which warrant instituting a proceeding to consider the request in a formal proceeding. This proceeding does not appear to be a major Federal action significantly affecting the quality of the human environment or the consumption of energy. However, comments regarding environmental issues, if any, should be included in statements filed with the Commission in response to this notice. Decided: March 10, 1980.

By the Commission. Chairman Gashins. Vice Chairman Gasham. Commissioners Stafford, Clapp, Trantum and Adams.

James H. Bayne
Acting Secretary.

BILLING CODE 7015-01-M

[Ex Parte No. 311]

Expedited Procedures for Recovery of Fuel Costs

Decided March 18, 1980.

In our decisions of February 23, March 4, and March 11, 1980, a 13-percent surcharge was authorized on all owner-operator traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.
Although the weekly figures set forth in the appendix for transportation performed by owner-operators and for truckload traffic is 13.3 percent, we are authorizing that the 13-percent surcharge remain in effect. All owner-operators are to receive compensation at the 13-percent level. No change will be made in the existing authorization of a 2.3-percent surcharge on less-than-truckload (LTL) traffic performed by carriers not utilizing owner-operators, nor in the 1.3-percent surcharge for United Parcel Service. However, a 5.0-percent surcharge is authorized for the bus carriers.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State and to the Public Utilities Commission or Boards of each State having jurisdiction over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and by delivering a copy to the Director, Office of the Federal Register for publication therein.

It is ordered: This decision shall become effective Friday 12:01 a.m., March 21, 1980.

By the Commission, Chairman Gaskins, Vice Chairman Sheshunoff, Commissioners Stelzig, Clapp, Trantum, and Alexis.

James H. Bayne,
Acting Secretary.

Appendix—Fuel Surcharge

| Base date and price per gallon (including tax) | January 1, 1979 | 62.5¢ |
| Date of current price measurement and price per gallon (including tax) | March 17, 1980 | 113.4¢ |

| From transportation performed by owner-operators | 2.3 | 5.0 | *2.1 |
| Bus carrier UPS operators | 1.3 | 5.0 | *1.3 |

Average percent: Fuel expenses (including taxes) of total revenue.

Percent surcharge: 19.9
2.3
6.3
3.3

Permitted surcharge: 13.3
2.3
5.0

Permitted surcharged:
13.0
2.3
5.0

*1.3

1 Apply to all truckload rated traffic.
2 Including less-than-truckload traffic.
3 The percentage surcharge developed for UPS is calculated by applying 81 percent of the percentage increase in the current price per gallon over the base price per gallon to the UPS average percent of fuel expense to revenue figure as of January 1, 1979 (93.3 percent).
4 The developed surcharge figure is reduced 0.8 percent to reflect fuel-related increases already included in UPS rates.

DEPARTMENT OF LABOR

Employment and Training Administration

Federal-State Unemployment Compensation Program; New Extended Benefit Period in the State of Wisconsin

This notice announces the beginning of a new Extended Benefit Period in the State of Wisconsin, effective on March 23, 1980.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State or the nation, to furnish up to 13 weeks of additional benefits to eligible individuals who have exhausted their rights to regular benefits under permanent State and Federal unemployment compensation laws. Part 615 of Title 20, Code of Federal Regulations, implements the statute (20 CFR Part 615).

In accordance with section 203(e) of the Act, the Wisconsin unemployment compensation law provides that there is a State "on" indicator in the State for a week if the head of the State employment security agency determines, in accordance with 20 CFR 615.12(e), that, for the period consisting of that week and the immediately preceding 12 weeks, the rate of insured unemployment under the State unemployment compensation law equalled or exceeded the State trigger rate. 20 CFR 615.12 (b) or (c). The Extended Benefit Period actually begins with the third week following the week for which there is an "on" indicator. A benefit period will be in effect for a minimum of 13 consecutive weeks, and will end the third week after there is an "off" indicator.

Determination of "On" Indicator

The head of the employment security agency of the State of Wisconsin has determined that, for the period consisting of the week ending on March 6, 1980, and the immediately preceding 12 weeks, the rate of insured unemployment in the State equalled or exceeded the State trigger rate.

Therefore, an Extended Benefit Period commenced in that State with the week beginning on March 23, 1980.

Information for Claimants

The duration of Extended Benefits payable in the new Extended Benefit Period, and the terms and conditions on which they are payable, are governed by the Act and the State unemployment compensation law. The State employment security agency will furnish a written notice of potential entitlement to Extended Benefits to each individual who has established a benefit year in the State that will expire after the new Extended Benefit Period begins, and who has exhausted all rights under the State unemployment compensation law to regular benefits before the beginning of the new Extended Benefit Period. 20 CFR 615.13(d)(1). The State employment security agency also will provide such notice promptly to each individual who exhausts all rights under the State unemployment compensation law during the Extended Benefit Period, including exhaustion by reason of the expiration of the individual's benefit year. 20 CFR 615.13(d)(2).

Persons who believe they may be entitled to Extended Benefits in the State of Wisconsin, or who wish to inquire about their rights under the Extended Benefit Program, should contact the nearest district office of the Wisconsin Job Service Division in their locality.

Signed at Washington, D.C., on March 20, 1980.

Ernest G. Green,
Assistant Secretary for Employment and Training.

Federal-State Unemployment Compensation Program; New Extended Benefit Period in the State of Indiana

This notice announces the beginning of a new Extended Benefit Period in the State of Indiana, effective on March 23, 1980.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State or the nation, to furnish up to 13 weeks of additional benefits to eligible individuals who have exhausted their rights to regular benefits under permanent State and Federal unemployment compensation laws. Part 615 of Title 20, Code of Federal
Determination of "on" Indicator

The head of the employment security agency of the State of Indiana has determined that, for the period consisting of the week ending March 8, 1980, and the immediately preceding 12 weeks, the rate of insured unemployment under the State unemployment compensation law equaled or exceeded the State trigger rate. 20 CFR 615.13(b) or (c). The Extended Benefit Period actually begins with the third week following the week for which there is an "On" indicator. A benefit period will be in effect for a minimum of 13 consecutive weeks, and will end the third week after there is an "off" indicator.

Open Meeting

Date: April 8, 1980.
Time: 9 a.m.-5 p.m. CST.
Place: WBAY Auditorium, 115 S. Jefferson Street, Green Bay, Wis.
Type of meeting: Open.
Contact person: Doug Durante, Public Information Officer, 202/426-6490.
Purpose of commission: The National Alcohol Fuels Commission was established under Section 170 of the Surface Transportation Assistance Act of 1978 (Pub. L. 95-599) to make a full and complete investigation and study of the long- and short-term potential for alcohol fuels from biomass and coal to contribute to meeting the nation's energy needs.
Tentative agenda: Take testimony from individuals, government agencies, corporations and interest groups in the geographic region on research, experience, policies, and approaches to alcohol fuels development.

James M. Childress,
Executive Director.
March 19, 1980.

NATIONAL ALCOHOL FUELS COMMISSION

Open Meeting

Date: April 9, 1980.
Time: 10 a.m.—4 p.m. MST.
Open Meeting
Date: April 11, 1980.
Time: 9:30 a.m.--4 p.m. MST.
Place: Holiday Inn, Aberdeen, S. Dak.
Type of meeting: Open.
Contact person: Doug Durante, Public Information Officer, 202/426-6490.
Purpose of commission: The National Alcohol Fuels Commission was established under Section 170 of the Surface Transportation Assistance Act of 1978 (Pub. L. 95-599) to make a full and complete investigation and study of the long- and short-term potential for alcohol fuels from biomass and coal to contribute to meeting the nation’s energy needs.
Tentative agenda: Take testimony from individuals, government agencies, corporations and interest groups in the geographic region on research, experience, policies, and approaches to alcohol fuels development.
James M. Childress, Executive Director.
March 19, 1980.
[FR Doc. 80-1697 Filed 3-24-80 8:15 am]
BILLING CODE 6823-AN-M

NUCLEAR REGULATORY COMMISSION
Advisory Committee on Reactor Safeguards, Subcommittee on Power and Electrical Systems; Meeting

An ACRS Subcommittee on Power and Electrical Systems will hold a meeting on April 9, 1980 in Room 1018, 1717 H Street NW., Washington, D.C. to discuss the nuclear data line (NDL) presently being considered by NRC as part of the TMI-2 Accident Action Plans. 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 59408), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for this meeting shall be as follows: Wednesday, April 9, 1980, 2 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, 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 (Pub. L. 92-463), that, should such sessions be required, it is necessary to close these sessions to protect proprietary information. See 5 U.S.C. 552b(c)(4).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman’s ruling on requests for the opportunity to present oral statements and the time allotted for the presentations can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Gary Quitthesreiber (telephone 202/634-5267) between 8:15 a.m. and 5:00 p.m. EST.

Dated: March 20, 1980.
John C. Hoyle, Advisory Committee Management Officer.

Advisory Committee on Reactor Safeguards, Ad Hoc Subcommittee on Three Mile Island, Unit 2 Accident Implications; Meeting

An ACRS Ad Hoc Subcommittee on the Three Mile Island, Unit 2 Accident Implications will hold a meeting on April 9, 1980 in Room 1167, 1717 H St., NW, Washington, DC 20555 to discuss implications of the TMI-2 Accident as they relate to construction permit applications. Notice of this meeting was published March 9, 1980.

In accordance with the procedures outlined in the Federal Register on October 1, 1979, (44 FR 59408), 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:

Wednesday, April 9, 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 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.
Advisory Committee on Reactor Safeguards, Subcommittee on Reactor Safety Research; Meeting

The ACRS Subcommittee on Reactor Safety Research will hold an open meeting on April 9, 1980 in Room 2010, 1717 H Street, N.W., Washington, D.C. to review the NRC Office of Nuclear Regulatory Research response to ACRS recommendations to Congress on NRC research (NUREG-0657); also, the FY-82 budget review and preparation of the ACRS report to NRC will be discussed. 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 56406), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for this meeting shall be as follows:

Wednesday, April 9, 1980
4:00 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, their consultants, and other interested persons.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Richard K. Major (telephone 202/634-1414) between 8:15 a.m. and 5:00 p.m., EST.

Background information concerning items to be discussed at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Street, Harrisburg, PA 17126.

Dated: March 20, 1980.
John C. Hoyle, Advisory Committee Management Officer.
[FR Doc. 80-900 Filed 3-31-80; 8:15 am]
BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Regulatory Activities; Meeting

The ACRS Subcommittee on Regulatory Activities will hold an open meeting on April 9, 1980 in Room 2010, 1717 H Street, N.W., Washington, D.C. to discuss the following:

- Other matters which may be of a predecisional nature relevant to reactor operation or licensing activities which may be discussed following this session.

Persons wishing to submit written statements regarding Regulatory Guides 1.58, Revision 1, and 1.xxx may do so by providing a readable reproducible copy to the Subcommittee at the beginning of the meeting. However, to insure that adequate time is available for full consideration of these comments at the meeting, it is desirable to send a readable reproducible copy of the comments as far in advance of the meeting as practicable to Mr. Sam Duraiswamy (ACRS), the Designated Federal Employee for the meeting, in care of ACRS, Nuclear Regulatory Commission, Washington, D.C. 20555 or telecopy them to the Designated Federal Employee (202-634-3319) as far in advance of the meeting as practicable. Such comments shall be based upon information. See 5 U.S.C. 552(c)(6).

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, Dr. Thomas G. McCrerey (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EST.

Dated: March 20, 1980.
John C. Hoyle, Advisory Committee Management Officer.
[FR Doc. 80-900 Filed 3-31-80; 8:15 am]
BILLING CODE 7590-01-M

[Doct NOS. 50-445 and 446]

Texas Utilities Generating Co., et al. (Comanche Peak Steam Electric Station, Units 1 and 2); Order Scheduling Prehearing Conference

There will be a prehearing conference commencing at 9:30 a.m. (local time) on
Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by issuance of a Commission release (Securities Exchange Act Release No. 34-16667; Feb. 25, 1980), 19 SEC Docket 760 (March 11, 1980) and by publication in the Federal Register (45 FR 13857 (March 3, 1980)). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, George A. Fitzsimmons, Secretary. [File No. SR-PSE-79-13]

Pacific Stock Exchange Inc.; Proposed Rule Change


The following proposed amendments to the Rules of the Pacific Stock Exchange Incorporated ("The PSE") attached hereto reflect the uniform response of a joint SRO task force to certain recommendations of the SEC Options Study, departing from the uniform response only to the extent necessary to conform to the style of the PSE's rules. In certain instances, proposed revisions relate to amendments previously filed by the PSE (SR-PSE-79-13). In other instances, revisions to existing rules are proposed in this filing for the first time.

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1 Notice of filing of the proposed rule change was given by publication of a Commission release (Securities Exchange Act Release No. 16672; Oct. 2, 1979) and by publication in the Federal Register (44 FR 7643, Oct. 6, 1979).
The full text of the proposed rule change is as attached as Exhibit 1-A to the Notice. (Brackets indicate deletions, italics indicate new material.)

The basis and purpose of the foregoing proposed rule change is as follows:

The rule changes filed herewith represent responses to the recommendations of the Special Study of the Options Markets as promulgated by the Commission in Release No. 34-15575.

A discussion of the purpose of each of the rule changes included in this filing is presented below.

**Rule X, Sec. 18(b)** Proposed Interpretation .01(9)(d) has been amended to require customer account records to indicate whether the accounts have been approved for discretionary trading.

**Rule X, Sec. 18(f)** The rule is proposed to be amended to require customer account statements to disclose any special account charges that are not itemized and disclosed on confirmations. The proposed revision would also require disclosure on margin account statements sent to options customers of the mark-to-market and market value of each security position in the account, the outstanding balance in the account and account equity. Under the proposed rule, these statements must also contain a legend indicating that further information concerning options commissions and similar execution charges will be provided on request. A new Commentary .01 is proposed which would prescribe the manner of calculating margin account equity.

**Rule X, Sec. 18(f)** A new subsection (2) is proposed to be added to the rule to require members to send all options-related complaints pertaining to the member or its associated persons, and a report of any action taken in response thereto, to a designated joint self-regulatory organization complaint registry. The rule describes the complaint registry as containing all such complaints as well as option-related complaints received by the Exchange and other self-regulatory organizations and the SEC.

**Rule X, Sec. 18(d)** This rule is proposed to be amended to require members to develop and implement a written program under the supervision of the Senior ROP for review of an options strategy where a standard nonstandard worksheets for a particular options strategy are provided. Finally, subparagraph F of Commentary .03 is proposed to be revised to prohibit the use of sales literature which contains misleading representations regarding past performance. If a standard worksheet has been adopted, Educational Circular on Front-Running is proposed to be revised to delete the examples previously provided.

**II. Self-Regulatory Organization’s Statements of Purpose and Statutory Basis of Proposed Rule Change**

In its filing with the Commission, PSE included the following statements concerning the purpose and basis of the proposed rule changes and discussed comments it received on the proposed rule change. Such statements are reproduced in Sections (A), (B), and (C) below.

(A) Self-Regulatory Organization’s Statement of Purpose of and Statutory Basis for Proposed Rule Changes

This amendment to the original filing (SR-PSE-79-13) is for the purpose of proposing rule amendments in response to certain recommendations of the Special Study of the Options Markets that were not addressed in the original filing, as well as proposing certain editorial and minor substantive amendments to previously filed proposals.

The statutory basis for all of these proposed rule changes remains as stated in the original filing. The purpose of each of the substantive proposed rule changes included in this filing is as follows:

**Rule X, Sec. 18(b)** The minimum information that must be reflected in customers’ account records has been expanded to include whether the account is approved for discretionary orders.

**Rule X, Sec. 18(f)** In response to Options Study Recommendation I.A.2.a., we propose to revise Rule X, Sec. 18(f) to expand the information which member organizations must disclose in the statement sent to customers having a general (margin) account. By limiting this requirement to margin accounts, the information will be furnished to most options customers without imposing undue burdens on member firms. The proposal will require that statements of margin accounts sent to such customers reflect the mark-to-market price and market value for all security positions in the account, the total of market value of all positions in the account, the debit (or credit) balance, and account equity. We have defined general (margin) account equity in proposed Commentary .01 to Rule X, Sec. 18(f), as the difference between the total of long security values, including any credit balance, and the total of short security values, including any debit balance.

Finally, we propose to require a legend on account statements to the effect that information concerning commissions and other charges has been included in confirmations, and will be furnished to customers upon request.

**Rule X, Sec. 18(f)** In response to Options Study recommendation I.A.2.g. for the self-regulatory organizations to establish and maintain a central customer complaint file showing all complaints received by each SRO and the disposition thereof, we propose adding a new subsection (2) to Rule X, Sec. 18(f), that would require each member firm to forward a copy of every options-related complaint pertaining to the member firm and its associated persons, and a report of any action taken in response thereto, to a central complaint registry to be maintained by either the NASD or NYSE. The rule describes the complaint registry as containing all such complaints as well as options-related complaints received by the Exchange and other self-regulatory organizations and the SEC.
Rule X, Sec. 18(d) Options Study

recommendation I.A.2.e. calls for the adoption of rules requiring that the headquarters office of every options broker-dealer be in a position to timely review each customer's account to determine the extent of commissions and realized and unrealized losses relative to account equity, the existence of unusual credit extensions and unusual account risks or trading patterns.

In response, Rule X, Sec. 18(d), is proposed to be revised to impose in explicit terms the obligation for firms to develop and implement headquarters account review procedures, and to impose record-keeping requirements to facilitate such review. Recognizing the decentralized supervised structure which many large securities firms have adopted, the proposed amendment is keyed to review by the "principal supervisory office having jurisdiction over the office supervising the customer's account."

Rule VI, Sec. 35 The proposed rule amendments as previously filed regarding customer communications have been modified in certain respects. First, the general rule regarding customer communications in paragraph (a) of the Rule has been clarified to cover communications by persons associated with member organizations and to apply to communications with an individual customer or member of the public. Also, the applicability of the various standards of the Rule to different categories of communications (advertising, sales literature and other communications) has been further clarified. The circumstances and conditions under which past performance information may be used have also been clarified to emphasize that representations concerning past performance must be made in a balanced manner and must pertain to the member organization as a whole. Representations concerning the past performance of a particular registered representative are, thus, prohibited. We have also added specific requirements concerning the furnishing of supporting detail whenever statements involving past performance are made. Finally, a new requirement has been added to Commentary .03 to Rule VI, Sec. 35, barring the use of non-standard options worksheets where a member organization has adopted a standard form of worksheet for a particular options strategy.

(B) Self-Regulatory Organization's Statement on Burden on Competition

PSE does not believe that the rule changes proposed in this Amendment No. 2 to File No. SR-PSE-79-13 will impose any burdens on competition.

(C) Self-Regulatory Organization's Statement on Comments Received from Members Participants, or Others on Proposed Rule Changes

Comments on rule changes previously proposed were summarized in PSE's prior filing SR-PSE-79-13. Editorial revisions to those proposals reflected herein and proposed rule changes presented herein for the first time were not submitted to members for comments.

III. Date of Effectiveness of Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register, April 29, 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 PSE consents, the Commission will:

(A) By order approve such proposed rule changes, or
(B) Institute proceedings to determine whether the proposed rule changes should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule changes that are filed with the Commission, and of all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filings 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 within twenty-one days of the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons, Secretary.

March 17, 1980.

EXHIBIT 1-A

Rule X—Conduct of Accounts; Doing a Public Business in Options

Sec. 18

(b) Opening of Accounts

Commentary .01 In fulfilling its obligations pursuant to paragraph (b)(1) of Section 18 with respect to options customers that are natural persons, a member organization shall seek to obtain the following information at a minimum (information shall be obtained for all participants in a joint account):

Items 1-7 No Change

8. Investment experience and knowledge (e.g., number of years, size, frequency and type of transaction) for options, stocks and bonds, commodities, other.

In addition, the customers' account records shall contain the following information, if applicable:

a. No Change
b. No Change
c. No Change
d. Nature and types of transactions for which account is approved (e.g., buying, covering written, uncovered writing, spreading, discretionary transactions).

(i) Statement of Accounts

Every member organization shall send to its customers statements of account showing security and money positions, entries interest charges and any special charges that have been assessed against such account during the period covered by the statement provided, however, that such charges need not be specifically delineated on the statement if they are otherwise accounted for in the statement and have been itemized on transaction confirmations. With respect to options customers having a general (margin) account, such statement shall also provide the market-to-market price and market value of each option position and other security position in the general (margin) account, the total market value of all positions in the account, the outstanding debit or credit balance in the account, and the general (margin) account equity. The statement shall bear a legend stating that further information with respect to commissions and other charges related to the execution of listed option transactions has been included in confirmations of such transactions previously furnished to the customer, and that such information will be made available to the customer promptly upon request.

Statements of account [required by Sec. 15 of this Rule] shall be sent at least quarterly to all accounts having a money or a security position during the preceding quarter and not less frequently than once every month to each customer in whose account there has been an entry during the preceding month with respect to an option contract.

The statement shall also bear a legend requesting the customer to promptly advise the member of any material change in the
customer's investment objectives or financial situation.

Commentary

01. For purposes of the foregoing Section, general (margin) account equity shall be computed by subtracting the total of the "short" security values and any debit balance from the total of the "long" security values and any credit balance.

(1) Customer Complaints

(a) Every member organization conducting a non-member business shall make and keep current a separate central log, index or other file for all options-related complaints, through which these complaints can easily be identified and retrieved. The term "options-related complaint" shall mean any written statement by a customer or person acting on behalf of a customer alleging a grievance arising out of or in connection with listed options. The central file shall be located at the principal place of business of the member organization or such other principal office as shall be designated by the member organization. At a minimum, the central file shall include: (i) Identification of complaint, (ii) Date complaint was received, (iii) Identification of Registered Representative servicing the account, (iv) A general description of the matter complained of, and (v) A record of what action, if any, has been taken by the member organization with respect to the complaint. Each options-related complaint received by a branch office of a member organization shall be forwarded to the office in which the separate, central file is located, but not later than thirty days after receipt by the branch office. A copy of every options-related complaint shall be maintained at the branch office that is the subject of the complaint.

(b) In addition to maintaining a central file of options-related complaints as required by (a) above, every member organization conducting a non-member customer business shall forward a copy of every options-related complaint pertaining to [the options selling practices of] the member organization and its associated persons, within 30 days after receipt, to the designated custodian of the joint-regulatory organization options complaint registry, and shall also promptly forward advice of any action taken by the member organizations in response to such complaints. The options complaint registry is maintained by the [NASD at 1735 K Street, N.W., Washington, D.C. 20006.] The options complaint registry is a data bank consisting of a record of options-related complaints received by members of the Exchange and other SROs and the Securities and Exchange Commission ("SEC"). Information in the options complaint registry will be made available only for bona fide regulatory purposes to national securities exchanges or associations, the SEC or other governmental regulatory agencies.

(c) Supervision of Accounts

Every member organization shall comply with the provisions of Section 1(b) of Rule X in exercising its supervisory responsibilities. In addition to such provisions, every member organization shall comply with the following provisions as they relate to its options business.

(1) Senior Registered Options Principal. Every member organization shall designate and specifically identify to the Exchange a Senior Registered Options Principal who is an officer (in the case of a corporation) or general partner (in the case of a partnership) of the member organization who shall supervise all non-member customer accounts and all orders in such accounts, insofar as such accounts and orders relate to option contracts. This program shall be under the supervision of a designated Senior Registered Options Principal ("Senior ROP") who is an officer (in the case of a corporation) or general partner (in the case of a partnership) of the member organization and who is specifically identified to the Exchange as the Senior ROP.

Rule VI-Communications To Customers

Sec. 35

(a) General Rule

No member or member organization, and no partner or employee thereof or person associated therewith, shall utilize any advertisement, sales literature or other communications to any customer or member of the public concerning options which:

Commentary .01 The special risks attendant to options transactions and the complexities of certain options investment strategies shall be reflected in any advertisement or sales literature [communication] which discusses the uses or advantages of options.

All advertisements and sales literature discussing the use of options should include a warning to the effect that options are not for everyone. In the preparation of written communications respecting options, the following guidelines should be observed:

A. No Change

B. It should not be suggested that options are suitable for all investors. [All communications discussing the use of options should include a warning to the effect that options are not for everyone.]

33 Written communications (other than advertisements) pertaining to options shall conform to the following standards:

A. [Such communications] Sales literature shall state that supporting documentation for any claims (including any claims made on behalf of options programs or the options expertise of sales persons), comparisons, recommendations, statistics or other technical data, will be supplied upon request.

B. No Change

C. Such communications may feature records and statistics which portray the performance of past recommendations or actual transactions of the member organization (but not of an individual Registered Representative), provided that:

(i) Any such portrayal is done in a balanced manner, and consists of records or statistics that are [must be] confined to a specific "universe" that can be fully isolated and circumscribed and that covers at least the most recent 12-month period;

(ii) Such communications should contain for offer to provide] the date of each initial recommendation or transaction, the price of each such recommendation or transaction as of such date, and the date and price of each recommendation or transaction at the end of the period or when liquidation was suggested or effected, whichever was earlier;

(iii) Provided that if the communications are limited to a summary or averaged results or statistics, in lieu of the complete record there may be included the number that declined, together with an offer to provide the complete record upon request;

(iii) No Change

(iv) In the event such records or statistics are summarized or averaged, such communications include the number of items recommended or transacted, the number that advanced and the number that declined;

[Note.—Items v-vii will be renumbered iv-vi]

D. No Change

E. No Change

F. If a member organization has adopted a standard form of worksheet for a particular options strategy, non-standard worksheets for that strategy may not be used.

[Final] Communications that portray performance of past recommendations or actual transactions and completed worksheets shall be kept at a place easily accessible to the sales office for the accounts or customers involved.

Educational Circular Under Rule I Section 12(k) FRONT-RUNNING OF BLOCKS

This educational circular presents the Exchange's enforcement policy with respect to certain practices generally referred to as "front-running of blocks." Because a block transaction in an underlying security may have an impact on the market for that security or the options covering that security (or vice versa), the Exchange would be concerned if its members were to engage in the practice of trading in options or in underlying securities when they are in possession of material non-public information concerning block transactions in these securities. In keeping with its responsibility to assure the fairness of its market, the Exchange wishes to emphasize that this kind of activity on the part of market professionals is conduct inconsistent with just and equitable principles of trade and will be dealt with in disciplinary proceedings.

Although it is not possible to provide an all-inclusive definition of front-running in all of its forms, the Exchange believes that it is important to provide standards describing the kind of conduct that will not be permitted, both in order to provide guidance for members and to avoid interfering with entirely legitimate transactions that do not involve front-running. For this purpose, the Exchange has prepared this educational circular discussing the kind of conduct involving the front-running of blocks that would be considered to be in violation of Rule I, Section 12(k).

It must be recognized that the following discussion of prohibited conduct is not exclusive, and that conduct not specifically described in this circular may
The Exchange may grant additional time to comply with these rules. Information on a block transaction will be considered to be publicly available when it has been disseminated via the tape or high-speed communication line of one of those systems. Public outcry on the Exchange Floor shall not be deemed to make such information publicly available except in unusual circumstances with the approval advance of two Floor Officials.

Effectiveness Timetable

**Rule and No. of Days Following Commission Approval**

X, Section 18(b)(1)—30 days

1. The Exchange may grant members additional time to comply with certain of these rules on a case-by-case basis, but no extension of time will be granted for more than 180 days after the effectiveness of the rule in question as stated in this table. In granting or denying requests for extension of time, the Exchange will not adopt jointy with other self-regulatory organizations that have comparable rules insofar as the requesting parties are members of the Exchange and such other SOEs.

2. Within 12 months following their effectiveness as stated in this table, Rule X, Section 18(b)(1) and X, Section 18(b)(4)—30 days for initial verification, 60 days for subsequent verification

X, Section 18(c)(1)—60 days

X, Section 18(d)(1)—30 days

X, Section 18(d)(2)—60 days

X, Section 18(d)(3)—60 days

X, Section 18(d)(4)—90 days

X, Section 18(d)(5)—30 days

X, Section 18(d)(6)—90 days

X, Section 18(e)(1)—180 days

X, Section 18(e)(2)—60 days

X, Section 18(g)(1)—60 days

X, Section 18(g)(2)—60 days following effectiveness of Commission rule authorizing central complaint registry

X, Section 18(m)—90 days

III, Section 11—50 days

Proposed Rule XX, Section 1—Immediately

VI, Section 35(a)—Immediately

VI, Section 35(b)—60 days; until then, approval under present Rule X, Section 35(a)

VI, Section 35(c), (d) and (e)—Immediately

VI, Section 35(d)—60 days

VI, Section 35(e)—60 days

VI, Section 81(a) and (b)—60 days

Front Running Circular—Immediately

[Release No. 16575; SR-Phix-79-10]


March 18, 1980.

On November 14, 1980, the Philadelphia Stock Exchange, Inc., 17th Street and Stock Exchange Plaza, Philadelphia, PA 19103 ("PhIx") filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) ("Act") and Rule 19b-4 thereunder, copies of a proposed rule change which sets forth detailed listing and delisting standards for securities listed or admitted to trading on the PhIx. The standards would not be mandatory but would be considered by the Exchange in judging the qualifications of each applicant.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34-16305 (Jan. 18, 1980), 19 SEC Docket 329 (Jan. 29, 1980)) and by publication in the Federal Register (FR) 55, 1980, Jan. 24, 1980). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons, Secretary.

[Release No. 11092; 812-4608]

Societe Generale North America, Inc., Filing of Application for an Order Pursuant to Section 6(c) of the Act Exempting the Applicant From All Provisions of the Act

March 17, 1980.

In the matter of Societe Generale North America, Inc., c/o William F. Kroener, III, Esq., Davis Polk & Wardwell, One Chase Manhattan Plaza, New York, New York 10005.

Notice is hereby given that Societe Generale North America, Inc. ("Applicant"), filed an application on February 1, 1980, and an amendment thereto on March 3, 1980, for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 (the "Act") exempting Applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representation contained therein, which are summarized below.

Applicant states that it was organized under the laws of the State of Delaware on January 25, 1980, solely for the purposes described more fully below. According to the application, all of Applicant's outstanding shares of capital stock were purchased for $10,000 by Societe Generale pour favoriser le development du Commerce et de l'Industrie en France ("Societe Generale"), a French commercial bank. It is further stated that no other common or capital stock will be issued, and that to the extent Applicant's capital is not needed to meet expenses, it will be placed on deposit with, or loaned to Societe Generale. In connection with a proposed issuance of commercial paper in the United States, Societe Generale filed an application for an order of the Commission pursuant to Section 6(c) of the Act exempting Societe Generale from all provisions of the Act, which
was granted on August 7, 1979 (Investment Company Act Release No. 10615). The pending application states that if commercial paper were issued directly by Societe Generale, a French withholding tax could be imposed on payments constituting interest on the commercial paper notes. It is further stated that if a French withholding tax were imposed, Societe Generale's commercial paper, to be marketable, would have to bear a higher interest rate than commercial paper of similar maturities with a similar credit rating, the interest payments on which were not subject to withholding tax.

Applicant asserts that many potential investors would be reluctant to purchase commercial paper subject to withholding tax because of the uncertainties and paperwork involved to claim a refund of the tax withheld. The application states that, unlike Societe Generale, certain other foreign bank commercial paper issuers may issue commercial paper not subject to the above withholding tax. Thus, Societe Generale has organized Applicant to act solely as a vehicle through which Societe Generale could obtain funds in the United States through the sale by Applicant of commercial paper unconditionally guaranteed by Societe Generale by means of a guaranty, keep-well arrangement, back to back loan or otherwise. Applicant contemplates that substantially all of its assets (other than cash) in the future will be deposits with or loans to Societe Generale. The application states that the holders of the notes could be considered holders of obligations of Societe Generale. Certain information with respect to Societe Generale, including a description of its business and French banking regulation, is included in Societe Generale's application for an exemption from all provisions of the Act, and is summarized in Investment Company Act Rel. No. 10769.

According to the application, upon full implementation of the International Banking Act of 1978, it is expected that Societe Generale will be required to file with the Board of Governors of the Federal Reserve System ("Federal Reserve Board") an annual report containing information with respect to Societe Generale and its United States subsidiaries, including Applicant. The application states further that in view of the staffs of the Federal Reserve Bank of New York and the Federal Reserve Board, Applicant is a service company, ownership of which by Societe Generale is permitted by the Bank Holding Company Act of 1956 ("1956 Act"). Applicant asserts that as a non-bank subsidiary of a foreign bank having United States branches, Applicant is generally restricted to furnishing services to or performing services for Societe Generale. Applicant also states that the 1956 Act provides that, under certain circumstances, the Federal Reserve Board may terminate certain United States activities by Applicant or Societe Generale's control of Applicant.

According to the application, Applicant proposes to issue and sell prime quality commercial paper notes in minimum denominations of $100,000 through United States commercial paper dealers. Applicant represents that it will secure an undertaking from each such dealer that the notes will be sold to institutional investors and other entities and individuals that ordinarily purchase commercial paper notes. Applicant states that it expects the average amount of commercial paper outstanding during the year after the program commences to be approximately $600,000,000. The application states that the proceeds of the sale of the notes would be placed on short-term deposit with, or loaned to, Societe Generale and thus made available to it for current transactions. The application states further that the deposits, or loans, with interest, as the case may be, would be withdrawn by, or repaid to Applicant, as required to pay commercial paper notes at maturity.

Applicant plans to sell the notes without registration under the Securities Act of 1933 ("1933 Act"); in reliance upon an opinion of its special counsel in the United States that the offering will qualify for an exemption from the registration requirements of the 1933 Act provided for certain short-term commercial paper by Section 3(a)(3) thereof. Applicant will not proceed with its proposed offering until it has received such opinion letter. Applicant does not request Commission review or approval of such opinion letter and the Commission expresses no opinion as to the availability of any such exemption. Applicant further represents that the presently proposed issue of securities and any future issue of it debt securities in the United States shall have received, prior to issuance, on of the three highest investment grade ratings from at least one of the nationally recognized statistical rating organizations, and that its American counsel shall have certified that such rating has been received; provided however, that no such rating shall be required to be obtained, if in the opinion of American counsel for Applicant, such counsel having taken into account for the purposes thereof the doctrine of "integration" referred to in various releases and no-action letters made public by the Commission, an exemption from registration is available with respect to such issue under Section 4(1) of the 1933 Act. Applicant represents that the notes will rank pari passu among themselves and equally with all other unsecured unsubordinated indebtedness of Applicant and superior to rights of shareholders. The application states that the guaranty of Societe Generale will rank pari passu with all other unsecured unsubordinated indebtedness of Societe Generale, including its deposit liabilities, and superior to rights of shareholders.

Applicant undertakes to ensure that the dealer will provide each offeree, prior to any sale of the commercial paper to such offeree, with a memorandum describing the business of Applicant and Societe Generale and containing the most recently available audited financial statements of Societe Generale, audited in accordance with French auditing practices. Applicant states that the offering memorandum will include a paragraph highlighting the material differences between French accounting standards applicable to French banks and generally accepted accounting principles employed by U.S. banks. Applicant represents that such memoranda will be at least as comprehensive as those customarily used in offering commercial paper in the United States, and will be updated periodically to reflect material changes in the business or financial status of Applicant or Societe Generale. Applicant further represents that any future offering of its debt securities in the United States will be done on the basis of disclosure documents which are at least as comprehensive in their description of Applicant and Societe Generale, and the businesses of Applicant and Societe Generale, as those customarily used in United States offerings of such securities and which contain the financial statements of Societe Generale. Applicant consents to having any order granting the relief requested under Section 6(c) of the Act expressly conditioned upon its and Societe Generale's compliance with the foregoing undertakings concerning disclosure documents.

Applicant and Societe Generale represent that they will appoint a bank or trust company, the Commission or a corporation providing corporate services for lawyers as agent to accept service of process in any suit, action, or proceeding, brought on, respectively, the short-term notes or the guaranty or with respect to the offer and sale of short-
term notes by means of the offering memorandum and instituted in any state or federal court by the holder of any short-term note. The application states that Applicant and Societe Generale will expressly submit to the jurisdiction of state or federal courts in the City and State of New York in respect of any such suit, action or proceeding. The application states further that such appointments of an agent to accept service of process and such consents to jurisdiction shall be irrevocable until all amounts due and to become due in respect of the notes have been paid. The application also states that Applicant and Societe Generale will similarly consent to jurisdiction and appoint an agent for service of process in any such suit, action, or proceeding arising from any future offerings of such debt securities that it may make in the United States.

Section 3(a)(3) of the Act defines investment company to mean "any issuer which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of government securities and cash items) on an unconsolidated basis." Applicant states that it may be considered to be an investment company as defined under the Act.

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 transaction, or any class or classes of persons, securities or transactions, from any provision 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.

Applicant asserts that the purchase of its notes will be the equivalent of purchasing obligations of Societe Generale because of Societe Generale’s unconditional guaranty. Applicant also states that Societe Generale, by Commission order, has been granted an exemption under Section 6(c) of the Act but has decided not to sell commercial paper in the United States because of the tax questions outlined above that have arisen under French law. Applicant states that it will serve as a vehicle to facilitate Societe Generale’s obtaining of funds through Applicant’s sale of its debt securities in the United States, and its only business will be to sell its commercial paper in the United States and to deposit with or lend to Societe Generale the proceeds of such sales. Applicant further states that under present Federal banking laws, there is no advantage to a foreign bank in issuing securities through a wholly-owned domestic subsidiary rather than issuing such securities directly. Finally, Applicant argues that as a result of the disclosure memoranda that offertees of its commercial paper will receive, investors will be adequately protected, and it would therefore not be in the public interest to treat the Applicant as an investment company under the Act.

Applicant submits that granting its requested exemptive order pursuant to Section 6(c) of the Act would be 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.

Notice is further given that any interested person may, not later than April 10, 1980, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed to: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission’s own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons, Secretary.

[FR Doc. 80-6403 Filed 3-24-80; 8:45 am] BILLING CODE 8010-01-M

Southern Co. Proposed Issuance of Common Stock Pursuant to Dividend Reinvestment and Stock Purchase Plan and Employee Savings Plan

March 17, 1980.

In the matter of the Southern Company, Perimeter Center East, P.O. Box 720071, Atlanta, Georgia 30336.

Notice is hereby given that The Southern Company ("Southern"), a registered holding company, has filed a request with the Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a) and 7 of the Act and Rule 50(a)(5) 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.

Southern proposes to issue and sell, from time to time through April 30, 1982, up to 6,500,000 shares of its authorized but unissued common stock, par value $5 per share ("Additional Common Stock"), pursuant to a Dividend Reinvestment and Stock Purchase Plan ("Dividend Plan"). Such shares herein proposed to be issued and sold would be in addition to the balance of 1,000,701 shares of common stock, par value $5 per share ("Common Stock"), outstanding on December 31, 1979, remaining under the authorization granted by the Commission by order dated March 2, 1979 (HCAR No. 20941), Southern intends to apply the proceeds estimated not to exceed $106,250,000, from the sale for further equity investments in its operating subsidiaries as may be authorized by this Commission in separate filings (File No. 70-6514) and for other corporate purposes.

The Additional Common Stock will be offered to all holders of Southern’s common stock pursuant to the Dividend Plan, a voluntary plan whereby shareholders may elect to (1) have cash dividends on all or less than all of their shares of Southern common stock automatically reinvested in shares of such common stock at a price equal to 95% of the "Market Price Average" of the high and low sales prices of Southern’s common stock, as published in The Wall Street Journal in its NYSE Composite Transactions, on the dividend payment date, or (2) reinvest less than all their cash dividends in shares of Southern’s common stock at a price equal to 95% of the Market Price Average, or (3) reinvest all or less than all of their cash dividends as described above and, in addition, make optional cash payments (not less than $25 per payment nor more than a total of $3,000 per quarter) to
Invest in shares of Southern’s common stock at a price equal to 100% of the Market Price Average, or (4) continue to receive cash dividends on all shares held and invest only optional cash payments.

Cash dividends on shares credited to a participant’s account under the Dividend Plan will be reinvested in shares of Southern’s common stock at a price equal to 95% of the Market Price Average. No shares will be sold under the Dividend Plan at less than the par value of such shares. The First National Bank of Atlanta currently administers the Dividend Plan and purchases the shares of Southern’s common stock under the Dividend Plan as agent for the participants. No service charge or commission will be paid by participant in connection with purchases under the Dividend Plan.

Participants will retain all voting rights relating to shares purchased under the Dividend Plan and credited to their accounts, and shares will be voted in accordance with the instructions of the participant to whose account they are credited. A participant will be able to withdraw from the Dividend Plan at any time upon written notice. Upon withdrawal, the participant will be issued without charge, a certificate for the number of shares credited to his account and will receive a cash payment for the value of any fractional share. Without withdrawing from the Dividend Plan, a participant will be entitled to demand and receive a certificate representing the full shares of common stock credited to his account. Southern reserves the right to suspend, modify (subject to Commission approval), or terminate the Dividend Plan at any time.

Southern also proposes to issue and sell from time to time through April 30, 1982 a maximum of 1,500,000 shares of its authorized but unissued common stock, par value $5 per share, (“New Stock”) pursuant to the Employee Savings Plan for The Southern Company System (the “Savings Plan”). Southern proposes to apply the proceeds from the sale of the New Stock (estimated not to exceed approximately $18,750,000) to such further equity investments in its operating subsidiaries as may be authorized by this Commission in separate filings (See File No. 70-6414) and for other corporate purposes.

The New Stock will be offered to employees of Southern’s subsidiaries pursuant to the Savings Plan, a voluntary plan under which employees may contribute, through payroll deductions, not less than 2% nor more than 12% of their compensation (base salary or wages). Each employing company will contribute, on behalf of each of the Savings Plan members in its employ, an amount equal to 50% of such of the member’s contributions as are not in excess of 6% of the member’s compensation. The First National Bank of Atlanta acts as Trustee for the trust which is part of the Savings Plan, and the Savings Plan is maintained by the Savings Plan Committee, the members of which are appointed by the Board of Directors of Southern Company Services, Inc.

An employee is eligible to participate in the Savings Plan if: (a) he is at least 21 years of age and (b) he has completed at least one year of service (in which he has completed at least 1,000 hours of service) with one or more Southern subsidiaries. Any employee represented by a collective bargaining agent may not participate in the Savings Plan unless the representatives of his bargaining unit and the employing company mutually agree to participation in the Savings Plan by members of the bargaining unit.

Each Savings Plan member must direct that his contributions be invested in one or more of three funds: (1) Company Stock Fund—consisting of Southern’s common stock (2) Equity Fund—consisting of common or capital stocks and securities convertible into common or capital stock (other than securities issued by or convertible into securities issued by Southern or any of its subsidiaries), short-term investments, and investments in certain commingled trust funds; (3) Fixed Income Fund—consisting of direct obligations of the U.S. Government and its agencies, corporate bonds, debentures, notes, certificates of indebtedness, evidences of indebtedness of Southern or its subsidiaries or affiliates, savings account deposits, and investments in certain commingled trust funds.

The amount to the credit of a member’s account attributable to his own contributions is fully vested in the member at all times. Amounts attributable to employing company contributions are fully vested in the member upon his death or retirement pursuant to the pension plan of his employing company. Prior to those events, the amount to the credit of a member’s account attributable to employing company contributions is vested in the member in accordance with a schedule which begins with a 50% vesting after five years of service and increases by 5% per year of service thereafter, until after 15 years of service, these amounts are fully vested. Any amounts not vested upon a member’s termination of employment are forfeited and will be applied as a credit to reduce subsequent contributions of the employing company.

The Trustee will vote the shares of common stock of Southern held by it in accordance with written directions received from the individual beneficiaries on whose behalf such shares are held and will not vote any such shares for which voting instructions are not received. The Trustee has the authority to vote all other securities in its discretion.

The Board of Directors of Southern Company Services, Inc. has the right to amend or terminate the Savings Plan in whole or in part. Any employing company may, by action of its board of directors and approval by the Board of Directors of Southern Company Services, Inc., suspend or terminate the making of contributions of members in the employ of such employing company and of contributions by such employing company. In the event of termination or partial termination of the Savings Plan, the members will be granted complete discontinuance of contributions under the Savings Plan by all employing companies or by any one employing company, the amount to the credit of the accounts of each member whose employing company shall be affected by such termination or discontinuance shall become nonforfeitable and will be distributed to the member as soon as practicable after such termination or discontinuance.

Fees and expenses to be incurred in connection with the proposed transactions are to be filed by amendment. It is stated that no state or federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notwithstanding that any interested person may, not later than April 10, 1980, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed to the 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 requested 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. 80-6043 Filed 3-24-80; 8:45 am]
BILLING CODE 4810-22-M

[DEPARTMENT OF STATE]
Office of the Secretary

[Public Notice 761]
Claims Against the Provisional Military Government of Socialist Ethiopia; Time for Filing

Notice is hereby given that the Department of State will receive at its Office of the Legal Advisor, located at 2201 C Street, N.W., Washington, D.C. 20520, during the period April 1, 1980, and ending September 30, 1980, claims against the Provisional Military Government of Socialist Ethiopia by U.S. nationals for nationalization, expropriation, sequestration, or other taking of property or contract rights, by the Provisional Military Government of Socialist Ethiopia.

22 U.S.C. §§ 2656, 2658
Dated: March 16, 1980.
For the Secretary of State.
Ben H. Read,
Under Secretary for Management.

[FR Doc. 80-6045 Filed 3-24-80; 8:45 am]
BILLING CODE 4710-01-M

[DEPARTMENT OF THE TREASURY]
Customs Service

[521741]
American Manufacturer's Petition; Extension of Time for Comments Concerning an American Manufacturer's Petition To Reclassify Certain Footwear Known as Moon Boots

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of extension of time for comments.

SUMMARY: This notice extends the period of time permitted for the submission of comments in response to a recent American manufacturer's petition to the Customs Service to reclassify certain footwear known as moon boots. This extension will permit the preparation and submission of more detailed comments by interested members of the public.

DATES: Comments must be received on or before April 30, 1980.

ADDRESS: Comments, preferably in triplicate, should be addressed to the Commissioner of Customs, Attention: Regulations and Research Division, Room 2335, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Donald F. Cahill, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-556-8181).

SUPPLEMENTARY INFORMATION:
Background

On January 30, 1980, the Customs Service published in the Federal Register (45 FR 6881) a notice of receipt of an American manufacturer's petition, filed under section 516 of the Tariff Act of 1930, as amended (19 U.S.C. 1516), requesting that certain footwear known as moon boots be reclassified as other footwear which is over 50 percent by weight of rubber or plastics under item 700.60, Tariff Schedules of the United States (TSUS), or in the alternative, as other protective footwear under item 700.53, TSUS. It is currently the position of Customs that the particular moon boots in question, as well as footwear of the same class or kind, are classifiable as other footwear which is over 50 percent by weight of rubber or plastics and having uppers of which over 90 percent of the exterior surface area is rubber or plastics under item 700.58, TSUS.

Comments

Comments concerning the American manufacturer's petition were to have been received on or before March 31, 1980. However, the Customs Service has been requested to extend the period of time for the submission of comments in order to allow additional time for the preparation of a response to the American Manufacturer's petition. As a result, the period of time for the submission of comments is extended to April 30, 1980.

Salvatore E. Caramagno,
Acting Director, Office of Regulations and Ruling.

[FR Doc. 80-6042 Filed 3-24-80; 8:45 am]
BILLING CODE 4110-22-M

[T.D. 80-89; 521600]

AGENCY: United States Customs Service, Department of the Treasury.

ACTION: Notice.

SUMMARY: This document announces that the Customs Service is changing the current uniform and established practice of classifying the Rock Super X-11, Rock Super X-15, Traction Super X-11, and Traction Super X-15 tire protection chains manufactured by Erlau of West Germany as chains with links of stock which is essentially round in cross section under items 652.24 through 652.33, Tariff Schedules of the United States (TSUS). Pursuant to this change of practice, the Customs Service will classify the enumerated tire protection chains as other chains under item 652.35, TSUS, inasmuch as the subject tire protection chains consist predominantly of links of stock which is not essentially round in cross section.

DATES: This change of practice will be effective with respect to merchandise entered or withdrawn from warehouse for consumption on or after 90 days from the date of publication of this notice in the Customs Bulletin.


SUPPLEMENTARY INFORMATION:
Background

In T.D. 78-397, the Customs Service noted that a uniform and established practice existed of classifying the Rock Super X-11, Rock Super X-15, Traction Super X-11, and Traction Super X-15 tire protection chains manufactured by Erlau of West Germany under the provisions for chain and chains, and parts thereof, all the foregoing of base metal not coated or plated with precious metal, of iron or steel, with links of stock which is essentially round in cross section, in items 652.24 through 652.33, Tariff Schedules of the United States (TSUS), depending upon the diameter of the link stock. This finding of practice
was limited to the tire protection chains enumerated above.

On October 4, 1979, notice of a proposed change of practice concerning the enumerated tire protection chains was published in the Federal Register (44 FR 57248). The notice advised that the Customs Service was reviewing the current uniform and established practice of classifying the Rock Super X-11, Rock Super X-15, Traction Super X-11, and Traction Super X-15 tire protection chains as chains with links of stock which is essentially round in cross section under items 652.24 through 652.33, TSUS. Although comments with respect to the proposal were invited, no comments were received.

Each of the enumerated Erlau tire protection chains consists of a chain mesh having two distinct link types. One is a welded ring or link of stock essentially round in cross section with a uniformly measurable diameter. The other link is a forged steel wear link which is the essential tire protection element. The forged wear links are of stock which is not essentially round in cross section, inasmuch as the forged wear links predominate in both area and weight over the links of stock which is essentially round in cross section, it is the position of the Customs Service that the subject tire protection chains are precluded from classification as chains with links of stock which is essentially round in cross section under items 652.24 through 652.33, TSUS.

Change of Practice

The Customs Service is changing its practice of classifying the Rock Super X-11, Rock Super X-15, Traction Super X-11, and Traction Super X-15 tire protection chains manufactured by Erlau of West Germany as chains with links of stock which is essentially round in cross section under items 652.24 through 652.33, TSUS. The Customs Service will henceforth classify the enumerated tire protection chains under the provision for chain or chains, other, in item 652.35, TSUS. This change of practice shall be effective as to merchandise entered or withdrawn from warehouse for consumption on or after 90 days from the date of publication of this notice in the Customs Bulletin.

Drafting Information

The principal author of this notice was Harold I. Loring, Regulations and Research Division, U.S. Customs Service. However, personnel from other offices of the U.S. Customs Service participated in developing this notice, both on matters of style and substance.

William T. Archey,
Acting Commissioner of Customs.
Approved: March 10, 1980.
Richard J. Davis,
Assistant Secretary of the Treasury.

VETERANS ADMINISTRATION
Central Office Education and Training Review Panel; Meeting

The Veterans Administration gives notice pursuant to Pub. L. 92-463 that a meeting of the Central Office Education and Training Review Panel authorized by Section 1790(b), Title 38, United States Code, will be held in Room 444E, Veterans Administration Central Office, 810 Vermont Avenue NW., Washington, D.C., on April 9, 1980, at 10 a.m. The meeting will be held for the purpose of reviewing the decision of the Director, Veterans Administration Regional Office, Denver, Colorado, that benefits to all eligible persons enrolled in programs offered by Real Estate Training Center of Colorado, 7350 West 44th Avenue, Wheat Ridge, Colorado 80033, be discontinued.

The meeting will be open to the public up to the seating capacity of the conference room. Because of the limited seating capacity, it will be necessary for those wishing to attend to contact Mr. Larry R. Stockmoe, Education and Rehabilitation Service, Veterans Administration Central Office (phone 202-389-2850), prior to March 31, 1980.

Dated: March 18, 1980,
By direction of the Administrator.
Rufus H. Wilson,
Deputy Administrator.
CONTENTS

Commodity Futures Trading Commission ............................... 1
Federal Communications Commission ................................. 2
Federal Mine Safety and Health Review Commission ................. 3
International Trade Commission ................................... 4, 5
Postal Rate Commission ........................................... 6
Postal Service .................................................. 7
Securities and Exchange Commission ................................ 8
Tennessee Valley Authority ........................................... 9

1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11:45 a.m., Friday, March 25, 1980.
PLACE: 2033 K Street NW., Washington, D.C., 8th floor conference room.
STATUS: Closed.

MATTERS TO BE CONSIDERED:

Enforcement matters.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.
BILING CODE 6351-01-M

2

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 11 a.m., Wednesday, March 19, 1980.
PLACE: Room 556, 1919 M Street NW., Washington, D.C.
STATUS: Emergency Closed-Commission Meeting following Special Open Meeting which commenced at 9:30 a.m.

MATTER TO BE CONSIDERED: Discussion of OMB Mark.

The prompt and orderly conduct of Commission business did not permit announcement of this meeting prior to the meeting.

Additional information concerning this meeting may be obtained from Edward Dooley, FCC Public Affairs Office, telephone number (202) 632-7260.

Issued: March 20, 1980.
BILING CODE 6712-01-M

3

March 19, 1980.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m., Wednesday, March 26, 1980.
PLACE: Room 600, 1730 K Street NW., Washington, D.C.
STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Pittsburgh & Midway Coal Mining Company, Docket No. BARB 74-686, IBMA 76-87 (Issues include whether imminent dangers existed under conditions cited).
2. Act Drilling Company, Docket No. PITT 75-3-P, IBMA 76-60 (Issues include whether violations of 30 CFR § 77.1605(d) occurred and whether operator is charged with negligence of foreman).

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202-653-5632.
BILING CODE 5632-01-M

4

[USITC SE-50-17]

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Friday, March 25, 1980.
PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.
STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Public works castings from India (Inv. 803-TA-13 Preliminary)—breviing.
2. Roses (Inv. TA-201-42)—briefing.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 225-0161.
BILING CODE 602-50-17

5

[USITC SE-50-18]

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Monday, March 21, 1980.
PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.
STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.

3. Ratifications.
4. Petitions and complaints, if necessary:
   a. Hydraulic control valves (Docket No. 635).
5. Public works castings from India (Inv. 803-TA-13 Preliminary)—vote.
6. Roses (Inv. TA-201-42)—vote.
7. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 225-0161.
BILING CODE 7025-02-M

6

POSTAL RATE COMMISSION.

TIME AND DATE: 2:30 p.m., Tuesday, March 25, 1980.
PLACE: Commission Conference Room, Room 500, 2000 L Street, NW., Washington, D.C.
STATUS: Closed.

MATTERS TO BE CONSIDERED:

Closed pursuant to 5 U.S.C. 552b(c)(10).

CONTACT PERSON FOR MORE INFORMATION: Dennis Watson, Information Officer, Postal Rate Commission, Room 500, 2000 L Street, NW., Washington, D.C. 20238, telephone (202) 225-5614.

BILING CODE 7715-01-M

7

POSTAL SERVICE.

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR 7.5) and the Government in the Sunshine Act (5 USC § 552b), hereby gives notice that it intends to hold meetings at 2 p.m. on Monday, March 31, in Room 329 and at 9 a.m. on Tuesday, April 1, 1980, in Room 401B of the Management Sectional Center, 900 E. Fayette Street, Baltimore, Maryland. Except as indicated in the following paragraphs, the meetings are open to the public. The Board expects to discuss the matters stated in the agenda which is set forth below. Requests for information about the meeting should be addressed to the Secretary of the Board, Louis A. Cox, at (202) 225-4032.

On March 4, 1980, the Board of Governors voted to close to public observation its next meeting, scheduled for 2 p.m. on March 31, 1980. Each of the
members of the Board except Mr. Hardey, who was absent when the vote was taken, voted in favor of closing this meeting, which is expected to be attended by the following persons: Governors Wright, Hardey, Allen, Camp, Ching, and Sullivan; Postmaster General Bolger; Deputy Postmaster General Conway; Senior Assistant Postmaster General Finch; and Secretary of the Board Cox.

The meeting which is to be closed will consist of a continuation of the discussion of the Postal Service's possible strategies concerning future postal ratemaking which was commenced at the Board's meeting of December 4, 1979, and continued at its meetings on January 7 and March 4, 1980.

Agenda

Monday Afternoon Session
1. Discussion of Postal Service ratemaking strategy. (The Board will discuss Postal Service ratemaking plans. As stated above in the Notice of Meetings, the session on this matter will be closed to the public.)

Tuesday Morning Session
1. Minutes of the previous meeting.
2. Remarks of the Postmaster General. (In keeping with its consistent practice, the Board's agenda provides this opportunity for the Postmaster General to inform the members of miscellaneous current developments concerning the Postal Service. He might report, for example, the appointment or assignment of a key official, or the effect on postal operations of unusual weather or a major strike in the transportation industry. Nothing that requires a decision by the Board is brought up under this item.)
3. Report of the Regional Postmaster General. (Mr. Carlin, Regional Postmaster General, will report on postal conditions in the Eastern Region.)
4. Report on Finance Group Programs. (Mr. Finch, Senior Assistant Postmaster General, Finance Group, will brief the Board on current developments in the Finance Group.)
5. Report on Energy Conservation Programs. (Mr. Conway, Deputy Postmaster General, will present a report on the status of Postal Service programs to reduce the consumption of energy.)
6. Temporary classification change proposal for Merchandise Return Service. (Under the Postal Reorganization Act (59 U.S.C. § 3641(e)), if the Postal Rate Commission does not transmit a recommended decision on a change in the Mail Classification Schedule to the Governors of the Postal Service within ninety days after the Postal Service has submitted to the Commission a request for such a recommended decision, the Postal Service, upon ten days notice in the Federal Register, may place into effect temporary changes in the Mail Classification Schedule in accordance with proposed changes under consideration by the Commission. The Postal Service requested a recommended decision on August 33, 1979, to change the Domestic Mail Classification Schedule to include a Merchandise Return Service. Since it does not appear that the Postal Rate Commission will transmit its recommended decision on this matter in the immediate future, the Board will consider the question of whether the Postal Service should place a Merchandise Return Service into effect on a temporary basis.)

If the Board does not complete its consideration of current Postal Service ratemaking plans at the Monday afternoon session, it will resume consideration of this matter in closed session on Tuesday, following its consideration of the foregoing agenda items.

Louis A. Cox,
Secretary.

[5-006-80 Filed 3-21-80: 3:28 pm]
BILLING CODE 7710-72-M

8

SECURITIES AND EXCHANGE COMMISSION,
"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: [To be published.]

STATUS: Closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Monday, March 17, 1980.

CHANGES IN THE MEETING: Additional items and deletion.

The following additional items were considered at a closed meeting held on Wednesday, March 19, 1980, following the 3:30 p.m. open meeting:

Regulatory matter bearing enforcement implications.
Legislative matter bearing enforcement implications.

The following item will not be considered at a closed meeting scheduled for Tuesday, March 25, 1980, at 9 a.m.:

Litigation matter.

Chairman Williams and Commissioners Loomis, Evans, and Pollack determined that Commission business required the above changes and that no earlier notice thereof was possible.

At time 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 Yearich at (202) 272-2178.
March 20, 1980.

[5-006-80 Filed 3-21-80: 3:28 pm]
BILLING CODE 0010-51-M

9

[Meeting No. 1238]

TENNESSEE VALLEY AUTHORITY.

TIME AND DATE: 7 p.m., c.s.t., Thursday, March 27, 1980.

PLACE: Parkway Junior High School, 1341 North Parkway, Jackson, Tennessee.

STATUS: Open.

MATTERS FOR ACTION:

A—Project Authorizations
1. Amendment to Contract No. 72Pc8-14957 with Silver King Mines, Inc., for project management services for TVA uranium/vanadium mill site and properties in Edgemont, South Dakota.
2. Req. No. 550620—Indefinite quantity item contract for CRT terminals, printers, and terminal controllers for Computer Operations Branch.
3. Rejection of bids received in response to Invitation No. 825602 for Computer Center Building for the TVA Chattanooga Office Complex.

B—Purchase Awards
2. Resolution authorizing the Chairman and other Executive Officers to take further action relating to issuance and sale of 1980 Series B Power Bonds.
3. New power contract with West Point, Mississippi.
4. Letter agreement with Chattanooga, Tennessee, covering arrangements for establishment of a 161-kV delivery point to Chattanooga's Falling Water 161-kV Substation.

D—Personal Items
1. Personal service contract with CDI Corporation, Philadelphia, Pennsylvania, for engineering support services, requested by the Office of Engineering Design and Construction.
2. Personal service contract with Carlin & Designers Inc., New York, New York, for engineering support services, requested by the Office of Engineering Design and Construction.
4. Renewal of consulting contract with Dr. Karl Z. Morgan, Atlanta, Georgia, in connection with the evaluation of radiological hygiene issues and policies and new program directions, requested by the Division of Occupational Health and Safety.
5. Renewal of consulting contract with Dr. Harald H. Rossi, New York, New York, in connection with the evaluation of radiological hygiene issues and policies and new program directions, requested by the Division of Occupational Health and Safety.

6. Renewal of consulting contract with Dr. Frank E. Perkins, Cambridge, Massachusetts, for advice and assistance in the field of hydraulic engineering, requested by the Office of Natural Resources.

E—Real Property Transactions

1. Filing of condemnation suits.

F—Unclassified

1. Supplemental letter agreement with Tishomingo County, Mississippi, providing for TVA's financial assistance for law enforcement and sanitation services as part of the impact mitigation program for Yellow Creek Nuclear Plant.

2. Resolution authorizing the Comptroller to write off certain uncollectible accounts receivable.

3. Resolution adopting a final TVA regulation under Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of handicap in programs and activities receiving TVA financial assistance.

4. Payment from nonpower proceeds for fiscal year 1979 to the Treasury of the United States pursuant to Section 26 of the TVA Act.


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.

Dated: March 20, 1980.
Tuesday
March 25, 1980

Part II

Office of Personnel Management

Executive Personnel Financial Disclosure Requirements
OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 734

Executive Personnel Financial Disclosure Requirements

AGENCY: Office of Personnel Management.

ACTION: Proposed Rulemaking.

SUMMARY: Section 203(g) of the Ethics in Government Act of 1978, as amended (the Act), directs the Office of Government Ethics (OGE) to develop and make available financial disclosure forms for reporting the information required of top ranking personnel in the executive branch under Title II of the Act. The Office of Personnel Management is proposing regulations establishing procedures for the filing, review and public availability of the forms filed by such officers and employees.

DATE: To be considered, comments must be received by May 27, 1980.

ADDRESS: Comments, views and opinions concerning the proposed regulations may be submitted to the Office of Government Ethics, Room 483H, 1300 E Street, NW, Washington, D.C. 20415. This material will be available for public inspection during normal business hours at the Office of Government Ethics.

FOR FURTHER INFORMATION CONTACT: Norman B. Smith or Jane S. Ley at (202) 632-7042.

SUPPLEMENTARY INFORMATION: In accordance with section 404 of the Act and pursuant to 5 U.S.C. 553, this notice is published in the Federal Register to inform the Federal agencies, Federal employees and the public generally that the Office of Personnel Management proposes to issue regulations pertaining to the financial reporting requirements for the President and Vice President of the United States, presidential appointees and top ranking executive personnel in the grade of GS-16 and above (and equivalent positions), including comparable officers in the uniformed and foreign services.

The proposed regulations state in greater detail than the Act the information which must be contained in the financial disclosure report. Actual situations are described in the form of examples, where appropriate and practicable. The proposed regulations cover, among other subjects, the persons required to file reports; the availability of the reports to the public; potential civil liability in the event the reports are used commercially, or for establishing credit rating or; directly or indirectly, in the solicitation of money for any political, charitable or other purpose; the requirements for qualifying a trust under the Act; limited waiver procedures; and remedial action which can be taken by agencies where the financial reports disclose conflicts of interest, actual or apparent.

The Office of Personnel Management has determined that this is a significant regulation for the purposes of Executive Order 12044. Office of Personnel Management. Kathryn Anderson Fetzer, Assistant Issuance System Manager.

Accordingly, the Office of Personnel Management proposes to amend Title II, Code of Federal Regulations, as follows:

(1) A new part 734 is added, to read as follows:

Part 734—Executive Personnel Financial Disclosure Requirements

Subpart A—General Provisions

A new part 734 is added, to read as follows:

Sec. 734.101 Authority.
734.102 Purpose.
734.103 Agency regulations.
734.104 General policies.
734.105 Definitions.

Subpart B—Persons Required to File

734.201 General requirements for filing.
734.202 Reporting individual; defined.
734.203 Certain individuals excluded from reporting requirements.
734.204 Employment of sixty days or less.
734.205 Special waiver of reporting requirements.

Subpart C—Contents of Reports

734.301 Reports of incumbents.
734.302 Reports of other reporting individuals.
734.303 Special rules.
734.304 Property categories.

Subpart D—Trusts

734.401 Qualified trusts; general considerations.
734.402 Special rules in the case of certain trusts.
734.403 Qualified blind trusts.
734.404 Qualified diversified trusts.
734.405 Certification of trusts proposed for qualification; other matters.
734.406 Independent trustee; defined.
734.407 Special filing requirements in the case of qualified trusts.
734.408 Effective date.

Subpart E—Special Provisions

734.501 Outside earned income.
734.502 Waivers.

Subpart F—Procedure

734.601 Report forms.
734.602 Filing of reports.
734.603 Custody of and public access to reports.

Sec. 734.604 Review of reports.
734.605 Advice and opinions.

Subpart G—Penalties and Remedial Action

734.701 Failure to file or falsifying reports.
734.702 Certain actions in the case of qualified trusts.
734.703 Misuse of reports.

Appendix A—Certificate of Independence
Appendix B—Certificate of Compliance


Subpart A—General Provisions

§ 734.101 Authority.

The regulations in this part are issued pursuant to the authority of Titles II and IV of the Ethics in Government Act of 1978, as amended, hereinafter referred to as the Act (Pub. L. 95-521, as amended).

§ 734.102 Purpose.

These regulations supplement and implement Title II of the Act, set forth more specifically certain procedures provided in that title and furnish examples, where appropriate.

§ 734.103 Agency regulations.

Each agency may, subject to the prior approval of the Office of Government Ethics, issue regulations implementing this part. These regulations—

(a) Shall be consistent with the Act and with this part, and
(b) Shall impose no additional reporting requirements on individuals subject to the Act, except as may be specifically authorized by statute or by approval of the Office of Government Ethics. Requests for such approval shall be submitted in writing to the Office, setting forth the need for additional reporting requirements by the agency involved.

§ 734.104 General policies.

(a) [1] Title II of the Ethics in Government Act of 1978 requires high-level Federal executives to disclose their personal financial interests and thereby demonstrate that they are able to carry out their duties without compromising the public trust. Public confidence in Government goes hand in hand with an open Government. Title II extends the cleansing principle of "Sunshine" to the area of conflicts of interest.
(b) [2] Title II, as amended and implemented by these regulations of this Part 734, will serve to deter conflicts of interest from arising and to identify potential conflicts of interest in the case of newcomers to Government service by providing for a systematic review of the financial holdings of both current and prospective officers and employees.
(3) Statements of income, assets and liabilities must be reported by the President and Vice President of the United States, all presidential appointees and civil service employees in the grades of GS-16 and above (and the equivalent), including comparable officers in the uniformed and foreign services. These reports are available to the public. If anyone uses them for commercial or credit rating reasons or in connection with the solicitation of money for any political, charitable or similar purpose, the Attorney General may institute a civil action against such a person which may result in a penalty not to exceed $5,000.

(4) The reports are not net worth statements. Only assets held as investments and certain other items must be recorded—not items for personal use, such as a residence or jewelry not held for sale. And in most instances, specific values are not called for but rather items may be reported by categories of value ranging from "$1,000" to "greater than $250,000" as the upper limit.

(5) The reports do not cover contributions under the Federal Election Campaign Act or gifts under the Foreign Gifts Act.

(6) Nothing in the Act or this part requiring reporting of information or the filing of any report shall be deemed to authorize the receipt of income, gifts, or reimbursements, the holding of assets, liabilities, or positions, or involvement in transactions that are prohibited by law, Executive order or regulation.

(7) Personnel below the grade of GS-16 continue to remain subject to the financial reporting requirements contained in the Office of Personnel Management's regulations contained in Part 735 of this Title. These statements, however, are confidential and are not available for public inspection.

(b) The provisions of Title II of the Act and this part requiring the reporting of information shall supersede any general provision of law or regulation with respect to the reporting of information required for purposes of preventing conflicts of interest or apparent conflicts of interest. Such provisions of Title II and this part shall not supersede the requirements of 5 U.S.C. 7342 (relating to the Foreign Gifts Act).

§734.105 Definitions.

For purposes of this part:


(b) Agency. The term "agency" means any executive department, military department, Government corporation or independent establishment or agency.

(c) Dependent child. The term "dependent child" means, when used with respect to any reporting individual, and individual who is a son, daughter, stepson, or stepdaughter and who—

(1) Is unmarried and under age 21 and is living in the household of such reporting individual, or

(2) Is a dependent of such reporting individual within the meaning of section 152 of the Internal Revenue Code of 1954.

(d) Designated agency official. The term "designated agency official" means an officer or employee who is designated by the head of the agency to administer the provisions of Title II of the Act and this part within an agency.

(e) Executive branch. The term "executive branch" includes each executive department, military department, Government corporation and independent establishment and any other entity or administrative unit in the executive branch unless such agency, entity or unit is specifically included in the coverage of Title I (relating to the legislative branch) or Title III (relating to the judicial branch) of the Act.

(f) Gift. The term "gift" means a payment, advance, forbearance, rendering, or deposit of money, or any thing of value, unless consideration of equal or greater value is received by the donor, but does not include—

Bequests and other forms of inheritance.

(2) Suitable mementos of a function honoring the reporting individual.

(3) Food, lodging, transportation, and entertainment provided by a foreign government within a foreign country or by the United States Government.

(4) Food and beverages consumed at banquets, receptions, or similar events, or

(5) Communications to the offices of a reporting individual including subscriptions to newspapers and periodicals.

(g) Honoraria. The term "honoraria" has the meaning given such term for purposes of the Federal Election Campaign Act of 1971. An honorarium is defined in the regulations of the Federal Election Commission as a payment of money or anything of value received by an officer or employee of the Federal Government, if it is accepted as consideration for an appearance, speech, or article. The term does not include payment for or provision of actual travel and subsistence, including transportation, accommodations, and meals of an officer or employee and spouse or an aide, and does not include amounts paid or incurred for any agent's fees or commissions. See also the definitions of "Gift" in paragraph (d) and "Reimbursement" in paragraph (i) of this section.

(h) Income. The term "income" means all income from whatever source derived, including but not limited to the following items: compensation for services, including fees, commissions, and similar items; gross income derived from business and net income if the individual elects to include it; gains derived from dealings in property including capital gains; interest; rents; royalties; dividends; annuities; income from life insurance and endowment contracts; pensions; income from discharge of indebtedness; distributive share of partnership income; and income from an interest in an estate or trust. The term includes items, whether or not taxable for Federal income tax purposes, such as interest on municipal bonds. Generally, income means "gross income" as determined in conformity with the principles of 26 CFR §§ 1.61-1 through 1.61-15.

(i) Personal hospitality of any individual. The term "personal hospitality of any individual" means the hospitality extended for a nonbusiness purpose by an individual, not a corporation or organization, at the personal residence of that individual or the family of such individual or on property or facilities owned by that individual or the family of such individual.

(j) Personal residence. The term "personal residence" means any real property used exclusively as a private dwelling by the reporting individual or his or her spouse, which is not rented for any period during a calendar year.

There may be more than one personal residence, and the term may include a vacation home. The term is not limited to domicile.

(k) Reimbursement. The term "reimbursement" means any payment or other thing of value received by the reporting individual, other than gifts, to cover travel-related expenses of such individual other than those which are—

(1) Provided by the United States Government,

(2) Required to be reported by the reporting individual under 5 U.S.C. 7342 (relating to the Foreign Gifts Act), or

(3) Required to be reported under section 504 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (relating to reports of campaign contributions).

(l) Relative. The term "relative" means an individual who is related to the reporting individual, as father, mother, son, daughter, brother, sister, husband, wife, grandfather,
grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, halfbrother, halfsister, or who is the grandfather or grandmother of the spouse of the reporting individual, and shall be deemed to include the fiancé or fiancée of the reporting individual.

(m) Reporting individual. For the definition of "reporting individual", see § 734.202.

(n) Reviewing official. The term "reviewing official" means the designated agency official, the Secretary concerned or the Director, Office of Government Ethics, as the case may be.

(o) Secretary concerned. The term "Secretary concerned" has the meaning set forth in 10 U.S.C. 101(8) (relating to the Secretaries of the Army, Navy and Air Force, and certain other Secretaries), and, in addition, means—

(1) The Secretary of Commerce, with respect to matters concerning the National Oceanic and Atmospheric Administration, and

(2) The Secretary of Health and Human Services, with respect to matters concerning the Public Health Service.

(p) Value. The term "value" means a good faith estimate of the dollar value if the exact value is neither known nor easily obtainable by the reporting individual. In the case of any interest in property, such estimation shall be made in accordance with the principles of § 734.303(a).

Subpart B—Persons Required To File

§ 734.201 General requirements for filing.

(a) Incumbents. A reporting individual who, during any calendar year, performs the duties of his position or office for a period in excess of sixty days shall file a report containing the information prescribed in Subpart C of this part on or before May 15 of the succeeding year.

(b) New entrants. Within thirty days of assuming a position or office described in § 734.202, a reporting individual shall file a report containing the information prescribed in Subpart C of this part, unless such individual—

(1) Has left another position described in § 734.202 (with respect to which a report under this section has previously been filed) within the thirty days prior to his assumption of such new position, or

(2) Has already filed such a report—

(i) As a nominee for the new position, or

(ii) As a candidate for the position.

Example (1), Y, a GS-16 employee of the Treasury Department (who has previously filed reports in accordance with the rules of the section) terminates employment with that Department on January 12, 1980, and begins employment with the Commerce Department on February 10, 1980, in a Senior Executive Service position. Y is not a new entrant since he has assumed a position described in § 734.202 within thirty days of leaving another position so described. Accordingly, he need not file a new report with the Commerce Department.

Example (2); If in Example (1), Y had left a position with the Legislative branch in which he had been compensated at a rate equal to or in excess of GS-16, Y would, nevertheless, be a new entrant as his former position would not have been one described in § 734.202. Y would have to file a report with the Commerce Department.

(c) Nominees. Within five days of the transmittal by the President to the Senate of the nomination of an individual to a position, appointment to which requires the advice and consent of the Senate, such individual shall file a report containing the information prescribed in Subpart C of this part. The preceding sentence shall not apply to any individual who is nominated to a position as:

(1) A judicial officer or employee covered by section 301(b) of the Act,

(2) An officer of the uniformed services, or

(3) A foreign service officer in the State Department.

See § 734.604(a), relating to expedited procedure in the case of individuals described in the first sentence of this paragraph; however, those individuals referred to in paragraph (c)(2) or (c)(3) of this section, shall file their reports in accordance with paragraph (b) of this section.

(d) Candidates. Within thirty days of becoming a candidate in a calendar year for nomination or election to the office of President or Vice President, as determined by the Federal Election Commission, or

(2) On or before May 15 of that calendar year, whichever is later, and on or before May 15 of each successive year an individual continues to be a candidate, such individual except for an incumbent President or Vice President shall file a report containing the information prescribed in Subpart C of this part. Notwithstanding the preceding sentence in any calendar year in which an individual continues to be a candidate for any office but all elections for such office relating to such candidacy were held in prior calendar years, such individual need not file a report unless he or she becomes a candidate for another vacancy in that office or another office during that year.

(e) Termination of employment. On or before the thirtieth day after termination of employment from a position or office described in § 734.202, a reporting individual shall file a report containing the information prescribed in Subpart C of this part for the period from the end of the calendar year with respect to which a report was last filed pursuant to paragraph (a) of this section to the date on which the individual left such office or position. Notwithstanding the preceding sentence, in a case in which the individual assumes employment in another position or office described in § 734.202 within thirty days of such termination, no report shall be required by the provisions of this paragraph. See Example (1) in paragraph (b) of this section.

(f) Extensions. The reviewing official may, for good cause shown, grant to any employee or class of employees an extension of up to 45 days. The Office of Government Ethics for good cause shown, may grant an additional extension of up to 45 days. The employee shall set forth specific reasons for an additional extension which shall be forwarded to the Office, through the reviewing official, who shall submit his or her comments on the request.

§ 734.202 Reporting individual defined.

For purposes of this part the term "reporting individual" includes—

(a) The President;

(b) The Vice President;

(c) Each officer or employee in the executive branch, including a special Government employee as defined in 18 U.S.C. 202, whose position is classified at GA-16 or above of the General Schedule prescribed by 5 U.S.C. 5332, or the rate of basic pay for which is fixed, other than under the General Schedule, at a rate equal to or greater than the minimum rate of basic pay fixed for GS-16; each member of a uniformed service whose pay grade is at, or in excess of GS-16; and civilian employees at or above O-7 under 37 U.S.C. 201; and each officer or employee in any other position determined by the Director of the Office of Government Ethics to be of equal classification;

Example (1): Foreign service officers in the State Department rated as FSO 1 or 2 must file a report since they have a rate of basic pay equal to or greater than the basic rate of pay fixed for GS-16.

(d) Each employee who is an administrative law judge appointed pursuant to 5 U.S.C. § 3105;

(e) Any employee not described in paragraph (c) of this section who is in a position in the executive branch which is excepted from the competitive service
by reason of being of a confidential or policymaking character;
(f) The Postmaster General, the Deputy Postmaster General, each Governor of the Board of Governors of the United States Postal Service and each officer or employee of the United States Postal Service or Postal Rate Commission whose basic rate of pay is equal to or greater than the minimum rate of basic pay fixed for GS-16; and
(g) The Director of the Office of Government Ethics and each designated agency official.

Notwithstanding the provisions of paragraph (e) of this section, any employee excluded from the reporting requirements of this part by virtue of a determination pursuant to §734.203 shall not be deemed to be a reporting individual. For purposes of §734.201(e), status as a reporting individual shall be deemed to continue for a period of thirty days after termination of employment from a position or office to which this section applies.

§734.203  Certain individuals excluded from reporting requirements.

(a) In general. Any individual or group of individuals described in §734.202(e) (relating to positions of a confidential or policymaking character) may be excluded from the reporting requirements of this part in cases in which the Director, Office of Government Ethics, determines, in his or her sole discretion, that such exclusion would not affect adversely the integrity of the Government or the public's confidence in the integrity of the Government.

(b) Exclusion determinations. The determination described in paragraph (a) of this section has been made for the following individuals and groups of individuals and, therefore, they may be excluded from the reporting requirements of this part pursuant to the provisions of paragraph (c) of this section:

(1) Individuals in any position classified below GS-16, or the rate of basic pay for which is less than the minimum rate of basic pay fixed for GS-16, who have no role in advising or making policy determinations with respect to agency programs or policies. Such individuals may include chauffeurs, private secretaries, stenographers and those who hold positions of similar nature where consistent with the basic criterion set forth in the preceding sentence.

(c) Procedure.—(1) The exclusion of any individual from reporting requirements pursuant to this section will be effective as of the time the employing agency or other governmental entity files with the Office of Government Ethics a list and description of each position for which exclusion is sought, as well as the identity of its current occupant. Such a list must be filed with the Office of Government Ethics on or before the date on which such reports are due under this part.

(2) In the event that the Office of Government Ethics finds that one or more positions has been improperly excluded, it will so advise the agency or other governmental entity and set a date for the filing of the report.

§734.204  Employment of sixty days or less.

(a) In general. Any reporting individual who—

(1) As determined by the designated agency official or Secretary concerned, in a case to which the provisions of §734.201(b) or (e) would otherwise apply, or

(2) As determined by the Director, Office of Government Ethics, in a case to which the provisions of §734.201(c) would otherwise apply, is not reasonably expected to perform the duties of his or her office or position for more than sixty days in a calendar year, shall not be subject to the reporting requirements of §734.201(b), (c), or (e), respectively.

(b) Exception. Notwithstanding the provisions of paragraph (a) of this section, if the reporting individual does perform the duties of his or her office or position for more than sixty days in a calendar year, the report otherwise required by—

(1) Section 734.201(b) or (e) shall be filed within fifteen calendar days after the sixty-first day of such performance unless the individual has filed a request for a waiver under §734.205(b), and

(2) Section 734.201(e) relating to termination reports shall be filed as provided in such paragraph.

§734.205  Special waiver of reporting requirements.

(a) General rule. In unusual circumstances, the Director, Office of Government Ethics, may grant a request for a waiver of any reporting requirement otherwise applicable under this part for an individual who is reasonably expected to perform, or has performed, the duties of his or her office or position for less than one hundred and thirty days in a calendar year, but only if the Director determines that—

(1) Such individual is a special Government employee (as defined in 18 U.S.C. § 202) who performs temporary duties either on a full-time or intermittent basis,

(2) Such individual is able to provide services specially needed by the Government,

(3) It is unlikely that the individual's outside employment or financial interests will create a conflict of interest, and

(4) Public financial disclosure by such individual is not necessary in the circumstances.

(b) Procedure. (1) The individual must file a request for a waiver with the Office of Government Ethics within 10 days after—

(i) The individual knows that he or she will serve more than 60 days in any calendar year, or

(ii) The expiration of the 60 days, whichever is earlier. The request shall state the reasons the individual believes the conditions of paragraph (a)(1) through (4) of this section are met in the particular case, and such request shall be filed with the report otherwise required by this part. The report shall bear the legend at the top of page 1: "Confidential: Waiver Request Pending Pursuant to 5 CFR § 734.203."

(2) The Office of Government Ethics shall seek advice from the agency in which the individual serves as to its views with respect to the justification for the waiver.

(3) In the event the waiver is granted, the report shall not be subject to the public disclosure requirements of §734.802; however, the waiver request and grant of waiver shall be so subject. In the event that the waiver is not granted, all such legends shall be removed and the report shall be subject to the public disclosure requirements; however, the waiver request shall not be so subject.

Subpart C—Contents of Reports

§734.301  Reports of incumbents.

Each report filed pursuant to §734.201(a) shall include a full and complete statement, on the form prescribed by the Office of Government Ethics and in accordance with instructions issued by the Office, with respect to the following:

(a) Income. (c) In general. The source and amount or value of—

(i) Income, including type of income, other than that referred to in paragraph (a)(2) of this section and other than that from current employment by the United States Government, and

(ii) Any honoraria, including the date, received during the preceding calendar year which total $100 or more in value. For special rules with respect to spouses and dependent children, see §734.305(b).
Example (1): The types of income which should be disclosed include:
(i) Outside earned income,
(ii) Pensions, and
(iii) A partner's distributive share of partnership income from a commercial venture.

Example (2): An official is asked to speak at a banquet in Washington about his hobby which is unrelated to his public duties. He is given $200 for doing so. Whether or not acceptance of the payment is permitted by the regulations of his agency, the $200 received must be reported as income pursuant to paragraph (a)(1)(i) of this section, as it is an honorarium (as defined pursuant to paragraph (a)(1)(ii) of this section, as it is an honorarium (as defined in § 734.105(i)). The value of the meal received at the banquet need not be disclosed. (See § 734.105(d)(4) and (e)).

(2) Certain income. The source and type of income which consists of dividends, rents, interest, and capital gains from any source, received during the preceding calendar year which exceeds $100 in amount or value, which shall be categorized as to the total amount or value of each item in accordance with the following table:

- (i) Not more than $1,000;
- (ii) Greater than $1,000 but not more than $2,500;
- (iii) Greater than $2,500 but not more than $3,000;
- (iv) Greater than $5,000 but not more than $15,000;
- (v) Greater than $15,000 but not more than $50,000;
- (vi) Greater than $50,000 but not more than $100,000; and
- (vii) Greater than $100,000.

Example (1): An official rents out a portion of her residence. She receives rental income of $900 from one individual for four months and $1200 from another individual for the remaining eight months of the year covered by the report. She must identify the property, and indicate the category of the amount of rent received pursuant to paragraph (a)(2) of this section.

Example (2): An official has three savings accounts with Bank A. One is in his name and earned $55 in interest. One is in a joint account with his wife and earned $120 in interest. One is in his name and his dependent daughter's name and earned $35 in interest. The official must disclose the name of the bank and the category of the total amount of interest earned from all three accounts. He must also disclose the accounts under paragraph (d) of this section if in the aggregate they total more than $5,000 in that bank.

(b) Purchases, sales and exchanges of certain property. A brief description (including the date) of any purchase, sale, or exchange during the preceding calendar year, in any case in which the fair market value of such purchase or the gain or loss realized on such sale or exchange exceeds $1,000—

(1) Of real property, other than a personal residence of the reporting individual or spouse, and
(2) Of stocks, bonds, commodities futures, and other forms of securities, which shall be categorized as to each transaction in accordance with § 734.304. Notwithstanding the preceding sentence, any transaction solely by and between the reporting individual, the spouse, and dependent children need not be reported.

Example (1): An official sells her personal residence in Virginia for $100,000 and purchases a residence in the District of Columbia for $200,000. She realized a gain on the sale of the Virginia home of $30,000. She need not report the sale of the Virginia residence or the purchase of the D.C. residence under paragraph (b) of this section.

Example (2): An official sells his beach home in Maryland for $50,000. He has rented it out for one month every summer so it does not qualify as a residence. He must disclose the sale under paragraph (b) of this section and any capital gain realized on the sale under paragraph (a)(2) of this section.

Example (3): An official sells a ranch to his dependent daughter. The official need not report the sale under paragraph (b) of this section because it is a transaction between the reporting individual and a dependent child. If the daughter was no longer a dependent child, the sale and any capital gain, except for that portion attributable to a personal residence, would have to be disclosed.

Example (4): An official sells an apartment building for a sale price of $100,000. He must report the sale of the building under paragraph (b) of this section, but he need not disclose the sale under paragraph (a)(2) of this section, as it did not result in a capital gain.

(c) Gifts and reimbursements—

(1) In general. The identity of the source, a brief description, and the value of all gifts (other than gifts described in paragraph (c)(2) of this section) from any source other than a relative of the reporting individual, received during the preceding calendar year which total $100 or more in value. Gifts received must be reported pursuant to the requirements of this paragraph. See § 734.104(a).

Example (1): An official accepts a print, a bottle of perfume, and a letter opener from a community service organization she has worked with solely in her private capacity. If any one of the gifts is valued at at least $100, she must disclose the gift. If any one gift is valued at less than $100 she need not report the gift unless the organization had during the same reporting year given her other items whose value aggregated would equal $100 or more. For purposes of aggregation she need not count items valued at $5 or less; see paragraph (c)(5) of this section. For method of valuation see paragraph (c)(4).

Gift 1, print, value $40
Gift 2, perfume, value $40
Gift 3, letter opener, value $20

The official must disclose Gifts 1 and 2, but not Gift 3.

(2) Certain gifts. The identity of the source, a brief description, and the value of any gifts of transportation, lodging, food, or entertainment from any source other than a relative of the reporting individual, received during the preceding calendar year which total $250 or more in value. Notwithstanding the preceding sentence, any food, lodging, or entertainment received as the "personal hospitality of any individual" need not be reported. (See § 734.105(i)).

Example (1): An official receives the following items from an individual who does not deal with in his official capacity:
- Dinner at a restaurant—$50
- Leather case—$20
- Dinner at donor's home—(value uncertain)
- Weekend at donor's country home including duck hunting and tennis match—(value uncertain)
- Engraved pen—$50

The official need only disclose Gifts 1 and 2. Gifts 3 and 4 need not be disclosed because they fall within the exception for "personal hospitality of an Individual." (See § 734.105(i)). Gift 5 while otherwise disposable need not be aggregated with Gifts 1 and 2 because it is valued less than $50. (See paragraph (c)(4) of this section.)

Example (2): An official accepts a number of invitations for dinner at restaurants in the city. The dinners are valued at more than $50 and in the aggregate are more than $250. The invitations are for purely personal reasons and are from one individual. Nevertheless, the official must report these dinners because they do not fall within the definition of "personal hospitality of an individual." See § 734.105(i). The official can request a waiver of this reporting requirement pursuant to § 734.303(g). If granted, the waiver is public.

(3) Reimbursements. The identity of the source, a brief description, and the value of any reimbursements not otherwise reportable under the provisions of this subpart received during the preceding calendar year which total $250 or more in value from any source.

Example (1): An official is asked to speak at an out-of-town meeting on a matter which is unrelated to his official duties and his agency. The round trip airfare is more than $250. If the official pays for the ticket and is reimbursed by the organization to which he spoke, he must disclose this reimbursement under paragraph (c)(2) of this section. If the organization simply provided the ticket, this must be disclosed as a gift under paragraph (c)(2) of this section.

(4) Valuation of gifts and reimbursements. The value to be assigned to a gift or reimbursement is its fair market value. For most reimbursements this will be the amount actually received. For gifts and non-cash
reimbursements the value should be determined in one of the following manners:

1. If the gift has been newly purchased or is readily available in the market, the value shall be the retail price.

The reporting individual need not contact the donor before and should contact a retail establishment selling similar items to determine the present cost in the market.

2. If the item is not readily available in the market, such as a piece of art, a hand made item, or antique, the individual can, as in the case of property in § 734.303(a)(2), make a good faith estimate of the value of the item.

For purposes of this paragraph (c)(4) the term "readily available in the market" means that an item generally is available for retail purchase in the metropolitan area in which the individual resides.

Examples:

Items such as a bottle of perfume, letter opener, leather case or engraved pen are generally available in the market and can be determined by contacting stores which sell like items and ascertaining the retail price of each.

The value of a dinner at a restaurant can either be the actual cost of the reported dinner or the approximate value of the dinner given at the posted fare of the restaurant. The reporting individual need not ask the donor to see the check.

5. De minimis exception. Any gift with a fair market value of $35 or less need not be aggregated for purposes of this paragraph. The acceptance of these gifts is subject to the restrictions imposed by Executive Order 11222 and regulations promulgated thereunder as is the acceptance of the gifts of $35 or more.

6. Cross-reference. For special waiver in the case of certain gifts see § 734.303(g).

(b) Interests in property. (1) In general. A brief description of any interest in property held during the preceding calendar year in a trade or business, or for investment or the production or income, having a fair market value in excess of $1,000 as of the close of such preceding calendar year, which shall be categorized as to the fair market value of each item in accordance with § 734.304. Each item of real and personal property shall be disclosed separately.

(2) Exceptions. Notwithstanding the provisions of paragraph (d)(1) of this section, the following shall not be reported:

i. Any personal liability owed to the reporting individual by a relative.

ii. Personal savings accounts in a single financial institution, in the case of a reporting individual, spouse, and dependent children who have deposits aggregating $5,000 or less in that institution, and

iii. A personal residence of the reporting individual or spouse.

For purposes of this paragraph, the term "personal savings account" means a certificate of deposit or any other form of deposit in a bank, savings and loan association, credit union, or similar financial institution.

Example (d)(1): The following items are examples of property required to be disclosed. This list is not inclusive but is presented to show typical items: (A) Real estate other than a personal residence of reporting individual, (B) Stock, bonds, securities, and commodities contracts, (C) Animals owned for commercial purposes, (D) Commercial crops, those growing and those held in storage, (E) Antiques or real estate other than a personal residence, (F) Benefits from interests in trucks and estates (see § 734.327(d)), and (G) Art held for investment.

Example (d)(2): An interest in property held in Bank A has a $1,000 savings account in Bank B. The investor has a $2,000 certificate of deposit issued by Bank C and a $5,000 savings account in Bank A. The fair market value of the total of the deposits is $3,000.

Example (d)(3): Reporting individual R has a collection of post-impressionist paintings which have been carefully selected over the years. From time to time, new paintings have been acquired and added to the collection. R has made intermittent sales of both less desirable post-impressionist works from his collection and paintings of various schools which he acquired through inheritance. Under these circumstances, R would report purchases and sales of any paintings pursuant to paragraph (b) of this section, income from sales of paintings pursuant to paragraph (a)(2) of this section, and all the paintings he retains as interests in property pursuant to paragraph (b) of this section. The Office of Government Ethics does not make intermittent sales from a collection or related holdings to remove the collection and such holdings from the exemption for purely personal items from public financial disclosure under § 292 of the Act.

Example (d)(4): Reporting individual Q owns a valuable collection of antique crystal. Q purchases several pieces each year, but she acquired her most valuable piece in 1970 through inheritance. Q's only sales of crystal were through an auction held by a dealer in 1977. Q need not report her crystal purchases or the holdings in her collection pursuant to the rules of this section. The Office of Government Ethics does not make occasional sales from a collection or related holdings prior to October 5, 1979 (the effective date of the Act), to remove the collection and such holdings from the exemption for purely personal items from public financial disclosure under § 292 of the Act.

Example (d)(5): Reporting individual R has several commodity transactions in calendar year 1979, as follows:

<table>
<thead>
<tr>
<th>Product</th>
<th>Date of transaction</th>
<th>Date of sale (includes short sales)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) 3 contracts Aug 1979 41/2/73</td>
<td>Open position (carried over to 1980).</td>
<td></td>
</tr>
<tr>
<td>(i) 3 contracts June 1979 12/17/73</td>
<td>8/17/73.</td>
<td></td>
</tr>
<tr>
<td>(i) 3 contracts February 1979 12/17/73</td>
<td>Open position (carried over to 1980).</td>
<td></td>
</tr>
<tr>
<td>(i) 3 contracts June 1979 12/17/73</td>
<td>9/17/73.</td>
<td></td>
</tr>
</tbody>
</table>

(i) Position No. (1) is an interest in property which, since it was held as of the close of calendar year 1979, is reported under paragraph (d) of this section as an interest in property (if the $1,000 fair market value criterion of paragraph (d) is met). The fair market value of a commodity contract, for purposes of this section, is determined by the amount of the net unrealized gain or loss. (This is in accordance with standard accounting practices with respect to such interests.) This item is also reported under paragraph (b) of this section as a purchase, if the $1,000 fair market value criterion of paragraph (b) is met.

(ii) The gain or loss realized with respect to the transactions relating to the purchase (if a short sale) is reported under paragraph (b) of this section as a completed purchase and sale (if the $1,000 threshold criterion of paragraph (b) is met). With respect to a completed purchase and sale such as Position No. (2), the threshold criterion is applied against the net realized gain or loss. The completed purchase and sale is also reported under paragraph (a)(2) of this section (relating to income items), if the $100 threshold criterion of paragraph (a)(2) is met. Accordingly, if the completed purchase and sale had resulted in a loss, it would not have been reportable under paragraph (a)(2).

(iii) Position (2) (notwithstanding that it is a short sale) is an interest in property which, since it was held as of the close of calendar year 1979, is reported under paragraph (d) of this section as an interest in property (if the $1,000 threshold criterion of paragraph (d) is met). This item is also reported under paragraph (b) of this section as a sale, if the $1,000 threshold criterion of paragraph (b) is met.

(iv) The gain or loss realized with respect to the transactions relating to Position No. (4) is reported under paragraph (b) of this section as a completed purchase and sale (if the $1,000 threshold criterion of paragraph (b) is met). The completed purchase and sale is also reported under paragraph (a)(2) of this section (relating to income items), if the $100 threshold criterion of paragraph (a)(2) is met.

(v) It should be noted that the principles of this example are applicable with respect to the purchase and sale of options contracts.

(c) Liabilities. (1) In general. A brief description of the total liabilities owed to any creditor, other than a relative, to whom, at any time during the preceding calendar year, over $10,000 is owed, which shall be categorized as to the
amount of any such liability in accordance with § 734.304.

(2) Exceptions. Notwithstanding the provisions of paragraph (e)(1) of this section:

(i) Any mortgage secured by a personal residence of the reporting individual or spouse.

(ii) Any loan secured by a personal motor vehicle, household furniture, or appliances, which loan does not exceed the purchase price of the item which secures it, and

(iii) Any revolving charge account with an outstanding liability which does not exceed $10,000 as of the close of such preceding calendar year, need not be reported.

Example (1): An official has the following loans outstanding at the end of the calendar year: 1. Mortgage on personal residence, $80,000; 2. Mortgage on rental property, $15,000; 3. Visa Card, $1,000; 4. Master Charge Card, $12,000; 5. Family automobile loan, $5,000; 6. Loan secured by antique furniture purchased for $8,000, $10,000; 7. Loan from parents, $20,000.

Loans indicated in terms 2, 4, and 6 must be disclosed. Loan 1 is exempt from disclosure because it is secured by the personal residence. Loan 3 need not be disclosed because it is a revolving charge account and it is less than $10,000. Loan 7 need not be disclosed because the creditor is a relative.

(f) Other positions.—(1) In general. Identification of all positions held, on or before the date of filing, during the current calendar year as an officer, director, trustee, partner, proprietor, representative, employee, or consultant of any corporation, company, firm, partnership, or any business enterprise, any non-profit organization, any labor organization, or any educational or other institution other than the United States. Notwithstanding the preceding sentence, the following need not be reported:

(i) Positions held without compensation in any religious, social, fraternal, or political entity, and

(ii) Positions solely of an honorary nature, such as emeritus members.

(2) Initial reports: special rules. In the case of a reporting individual who has not filed a report pursuant to § 734.201 during the preceding calendar year—

(i) For purposes of paragraph (f)(1) of this section, all such positions held during such preceding two calendar years shall also be reported, and

(ii) Except in the case of the President and the Vice President, identification and a brief description of the nature of the duties performed or services rendered with respect to each source of compensation which exceeded $5,000 in either of such preceding two calendar years.

Notwithstanding the provisions of paragraph (f)(2)(ii) of this section, information need not be reported which is considered confidential as a result of a privileged relationship, established by law, between the reporting individual and any person, or with respect to any person for whom services were provided by any firm or association of which the reporting individual was a member, partner, or employee unless such individual was directly involved in the provision of such services.

Example (1): A partner or employee of a law firm who has worked on a matter from which the firm received over $5,000 in fees during a calendar year must report the name of the client only if the value of the services rendered by the partner or employee was more than $5,000. The name of the client, except in unusual situations, would not be considered confidential.

(g) Certain agreements and arrangements. Identification of the parties to, and a brief description including the date of any agreement or arrangement, in existence at any time during the period beginning on January 1 of the preceding calendar year and ending on the date of filing, with respect to—

(1) Future employment,

(2) A leave of absence during the period of the reporting individual's Government service,

(3) Continuation of payments by a former employer other than the United States Government, and

(4) Continuing participation in an employee welfare or benefit plan maintained by a former employer. (See 18 U.S.C. § 206(b)).

§ 734.302 Reports of other reporting individuals.

(a) New entrants, nominees, and candidates. Each report filed pursuant to § 734.201(b), (c), or (d) shall include a full and complete statement, on the form prescribed by the Office of Government Ethics and in accordance with instructions issued by the Office, pursuant to the provisions of § 734.301, except for paragraphs (b) (relating to purchases, sales and exchanges of certain property) and (c) (relating to gifts and reimbursements) of that section; however, the following shall be reported:

(1) Income.—for purposes of § 734.301(a), relating to income, all such income items specified in such paragraph received during a period which begins on January 1 of the preceding calendar year and ends on the date on which such report is filed,

(2) Interests in property.—for purposes of § 734.301(d), relating to interests in property, all such interests specified in such paragraph held during a period which begins on January 1 of the preceding calendar year and ends less than thirty-one days before the date on which such report is filed, and

(3) Liabilities.—for purposes of § 734.301(c), relating to liabilities, all such liabilities specified in such paragraph owed during a period which begins on January 1 of the preceding calendar year and ends less than thirty-one days before the date on which such report is filed.

(b) Termination reports. Each report filed pursuant to § 734.301(e), shall include a full and complete statement, on the form prescribed by the Office of Government Ethics and in accordance with instructions issued by the Office, pursuant to the provisions of § 734.301; except that in any case in which information is required by that section to be reported for the preceding calendar year with respect to any item, transaction, or occurrence, all such information for a period which begins on January 1 of the current calendar year and ends on the date on which that report is filed, shall also be reported.

§ 734.303 Special rules.

(a) Valuation of interests in property. This paragraph sets forth detailed rules for determining the value of interest in property for purposes of § 734.301(d). A good faith estimate of value may be made in lieu of a determination pursuant to paragraph (a)(1) or (2) of this section, in any case in which such a determination cannot be obtained without undue hardship or expense to the reporting individual.

(1) Real property.—If the current value of an interest in real property or an interest in a real estate partnership is not ascertainable without an appraisal, a reporting individual may report:

(i) The date of purchase and the purchase price of the interest in the real property, or

(ii) The assessed value of the real property for tax purposes, adjusted to reflect the market value of the property used for the assessment if the assessed value is computed at less than 100 percent of such market value.

(2) Other property. If the current value of any item, other than real property referred to in paragraph (a)(1) of this section, is not ascertainable without an appraisal, a reporting individual may report [as appropriate]:

(i) The book value of a corporation whose stock is not publicly traded,

(ii) The net worth of a business partnership other than a real estate partnership,
and reimbursements specified in that respect to any such interest; pursuant to which are reported or reportable which exceed $1,000; and in the case of Each report required in property of a spouse or dependent child, and exchanges, with respect to interests such provisions, with respect to the information otherwise required by the reporting individual's agency. The reporting individual is invited because of the marriage relationship. The reporting individual need not report the spouse's dinner as a gift under § 734.301(c). Only the reporting individual's dinner is reportable, if the threshold limitations of such section are satisfied.

4) Interests in property and liabilities.—For purposes of § 734.301(d) and (e), relating to interests in property and liabilities, respectively, all information with respect to any such interests or liabilities specified in those paragraphs of a spouse or dependent child, other than with respect to items—

(i) Which the reporting individual certifies,

(A) Represent the spouse's or dependent child's sole financial interest or responsibility, and

(B) That the reporting individual has no specific knowledge of,

(ii) Which are not in any way, past or present, derived from or related to the income, assets or activities of the reporting individual, and

(iii) From which the reporting individual neither derives, nor expects to derive, any financial or economic benefit.

Example (1): The spouse of a reporting individual has acquired some securities from money earned in a part-time job. The securities have been set aside to provide funds to contribute to the cost of a grandchild's education. The reporting individual is not familiar with the holdings. Therefore, because the grandchild's education is not a legal obligation of the reporting individual, the securities are not reportable under the rules of this paragraph (b)(4).

(c) Trusts. Each report required by the provisions of this subpart shall include the information otherwise required by such provisions, with respect to the holdings of and the income from any trust or other financial arrangement—

(1) From which income is received by, or

(2) With respect to which a beneficial interest in principal or income is held by the reporting individual, spouse, or any dependent child. Notwithstanding the preceding sentence, in the case of a trust referred to in § 734.402(a), only the information described in § 734.402(b) shall be reported.

(d) Divorce and separation. Notwithstanding any other provision of this subpart, no information shall be required to be reported by a reporting individual with respect to—

(1) A spouse living separate and apart from such individual with the intention of terminating the marriage or providing for permanent separation.

(2) A former spouse or a spouse from whom such individual is permanently separated, or

(3) Any income or obligations of such individual arising from the dissolution of his or her marriage or the permanent separation from his or her spouse.

(e) Political campaign funds. Political campaign funds, including campaign receipts and expenditures, need not be included in any report filed pursuant to this part.

(1) Gifts received when not in government employment. In the case of a reporting individual to whom the provisions of § 734.201 (a) or (e) apply, the report need not contain any information with respect to gifts and reimbursements to which the provisions of § 734.301(c) would otherwise apply, which are received during a period in which such reporting individual was not an officer or employee of the Federal Government.

(2) Procedure. An individual seeking an exemption pursuant to this section shall file a request with the Office of Government Ethics which sets forth:

(i) That the basis of the relationship between the grantor and grantee and the motivation for the gift are purely personal, and

(ii) That no countervailing public purpose requires public disclosure of the nature, source, and value. In the event of any such determination, the waiver request and the grant of waiver shall be subject to the public disclosure requirements of § 734.403.

(i) The identity and occupation of the donor;

(ii) A statement that the relationship between the donor and the reporting individual is purely personal in nature; and

(iii) A statement that neither donor nor any person or organization for whom the donor actually works or serves as a representative conducts business with, or is subject to regulation by, or is directly affected by action taken by, the agency by which the reporting individual is employed.
In the event that the immediately preceding statement cannot be made without qualification, the reporting individual may indicate such qualifications along with a statement demonstrating that he or she plays no role in any official action which might directly affect the donor or any organization for which the donor works or serves as a representative.

§ 734.304 Property categories.

The valuation categories specified for property items are as follows:

(a) Not more than $5,000;
(b) Greater than $5,000 but not more than $15,000;
(c) Greater than $15,000 but not more than $50,000;
(d) Greater than $50,000 but not more than $100,000;
(e) Greater than $100,000 but not more than $250,000; and
(f) Greater than $250,000.

Subpart D—Trusts

§ 734.401 Qualified trusts; general considerations.

(a) In general. (1) Prior to enactment of the Act's qualified trust provisions, there was no accepted definition of what constituted a properly formulated blind trust. However, there was general agreement that the use of blind trusts frequently could ameliorate potential conflict of interest situations. An underlying concept is that if a Government official does not know the identity of his or her financial interests, his or her official actions should not be subject to collateral attack by questions of conflict of interest or the appearance of such a conflict. In other words, if the Government official does not know what he or she owns, it is impossible for him or her intentionally to take actions to benefit specifically his or her own personal interests. Therefore, the general public policy goal to be achieved through the use of blind trusts is an actual "blindness" or lack of knowledge by the Government official with respect to the holdings held in trust. In unusual cases, this goal is deemed by the Act to have been achieved with respect to an official appointed to a position by the President, by and with the advice and consent of the Senate, where there is a general dispersion of securities held in trust among individual entities and economic sectors under circumstances in which it is unlikely that official actions taken by him will affect individual holdings to such a degree that the overall value of the entire portfolio will be materially enhanced. The result of wide diversification under the conditions prescribed is considered tantamount to actual blindness.

(2) Trusts qualified pursuant to the provisions of this Subpart D are not subject to the general rules of Subpart C of this part, which normally require the public financial disclosure report of a reporting individual to indicate the contents of a trust's portfolio. Further, as described in paragraph (b)(3) of this section, in the case of trusts which are qualified, the normal application of 18 U.S.C. 208 and other Federal conflict of interest laws is ameliorated by the Act in accordance with the concepts discussed in paragraph (b)(1) of this section.

(b) Nature of qualified trusts. The public policy concerns and objectives indicated in paragraph (a) of this section are fulfilled by the major requirements of this subpart as follows:

(1) A truly independent trustee. Under § 734.405, the individual or institution in charge of a qualified trust, and therefore of investing the assets of the trust, must be independent of the Government official in reality and appearance. The trustee must not be subject to control or influence in the administration of the trust by any interested party; the official, his or her spouse, or dependent children. Permissible trustees are limited to members of professional groups with standards of conduct governing their actions as fiduciaries (financial institutions, attorneys, accountants, investment advisers and brokers). The trustee cannot be a relative, employee, or business partner of the official, his or her spouse, or dependent children. The standards of § 734.405 will be applied to specific cases by the Office of Government Ethics.

(2) A trust document meeting certain minimum standards. Under § 734.403 with respect to qualified blind trusts and § 734.404 with respect to qualified diversified trusts, the trust document must, except for limited exceptions, expressly prohibit communications between the trustee and the Government official (and other interested parties) with respect to the trust's holdings and activities. The trustee must be empowered to make investment decisions independent of any consultation with or control by the interested parties. All communications with respect to the trust between the interested parties and the trustee must be in writing. Copies of all written communications must be filed with the Office of Government Ethics. The trust document must also provide that the interested parties will not attempt to obtain information about the trust holdings and activities except as specifically provided therein.

(3) Relationship to conflict of interest laws. (i) Qualified blind trusts. In the case of a qualified blind trust (§ 734.403), an asset placed in trust by an interested party is considered a financial interest of the Government official for purposes of 18 U.S.C. 209 and any other conflict of interest statutes or regulations of the Federal Government until such time as the party is notified by the trustee that the asset has been disposed of, or has a value of less than $1,000. Thus, the trust is considered blind only as to assets subsequently purchased by the trustee. The interested parties will have no knowledge of the trustee's acquisitions, and thus these holdings will be truly blind with respect to the Government official and the other interested parties.

(ii) Qualified diversified trusts. In the case of a qualified diversified trust (§ 734.404), the trust's holdings are not deemed financial interests of the Government official for purposes of 18 U.S.C. 208 or any other Federal conflict of interest law. This type of trust may only be utilized by an official appointed by the President, by and with the advice and consent of the Senate. It must be established to the satisfaction of the Director, Office of Government Ethics, pursuant to § 734.404(b), that the assets of a diversified trust proposed for qualification consist of a well-diversified portfolio of readily marketable securities. None of the assets initially placed in the trust may consist of securities. None of the assets initially placed in the trust may consist of securities of issuers having substantial activities related to the reporting individual's primary area of responsibility.

(4) Relationship to Subpart C reporting requirements. Qualified trusts are not subject to the normally applicable reporting requirements of Subpart C of this part. The less inclusive rules of § 734.402(b) are applied with respect to qualified trusts pursuant to the Act.

(5) Prior approval of trust document and assets placed in the trust. Before a trust can be "qualified", every proposed trust document (see § 734.405) and proposed trustee (see § 734.406) must be approved by the Office of Government Ethics. This is essential so that the Office can ensure in advance that the proposed trust arrangement satisfies the letter and spirit of the established standards.

(6) Effective sanctions and enforcement. Under the provisions of Subpart G of this part, civil and criminal sanctions are provided for any Government official or trustee who violates his or her obligations under a
qualified trust. In addition, the Office of Government Ethics can impose appropriate administrative or other sanctions pursuant to the authority of the Act.

§ 734.402 Special rules in the case of certain trusts.

(a) In general. Notwithstanding the provisions of Subpart C of this part, a reporting individual need not, except as otherwise provided in this subpart, report the holdings of or the source of income from any of the holdings of—

(1) Any qualified blind trust, as defined in § 734.403,

(2) Any qualified diversified trust, as defined in § 734.404, or

(3) Any "excepted trust," one—

(i) Which was not created directly by such individual, his or her spouse, or any dependent child, and

(ii) The holdings or sources of income of which such individual, his or her spouse, and any dependent child have no knowledge.

(b) Subpart C reporting requirements.—(1) Income. In the case of a trust referred to in paragraph (a) of this section except for a qualified diversified trust, a reporting individual shall report the category of the aggregate amount of the trust’s income attributable to the beneficial interest in the trust of the individual, his spouse, or any dependent child pursuant to the rules of Subpart C of this part. In the case of a qualified diversified trust, only amounts actually received in respect of such a trust by such individual, his or her spouse, or any dependent child (or applied for the benefit of any such interested party) shall be deemed income derived from such trust for purposes of this part.

(2) Holdings and sources of income. In the case of a trust referred to in—

(i) Paragraph (a)(1) or (2) of this section, no report under Subpart C of this part with respect to holdings and sources of income is required, or

(ii) Paragraph (a)(3) of this section, holdings and sources of income shall be reported under the rules of Subpart C of this part only to the extent that the reporting individual has knowledge of such holdings and sources of income with reasonable specificity.

Example (1): A reporting individual, R, is the beneficiary of a family trust created by his grandfather. R’s grandfather has never seen the trust instrument, (i) receives a monthly payment of $500 from the trustee, and (ii) has been told by his grandfather that the trust assets include large holdings of Canadian mining stock. R does not have any further specific knowledge about the trust and its holdings, and the grandfather and trustee have declined to provide further information. This trust would be considered by the Office of Government Ethics to be an excepted trust described in paragraph (a)(3) of this section. R is obligated to report $6,000 as income from the trust in his annual financial disclosure report filed pursuant to Subpart C and pursuant to § 734.301(d) he would report that he is a beneficiary of an excepted trust which he believes to have Canadian mining stock among its holdings.

Example (2): During 1979, the trustee of a reporting individual A’s diversified trust makes payments as follows:

(i) A monthly distribution of $1,000 to A as specified in the trust instrument,

(ii) $4,000 to A’s wife for medical expenses pursuant to the trustee’s discretion under the terms of the trust instrument, and

(iii) $2,500 to A’s son for educational expenses pursuant to the trust instrument. For 1979, $18,500 is deemed to be the income derived from the trust and should be reported pursuant to Subpart C of this part; notwithstanding, that the actual income attributable to the interests of A, his spouse, and dependent children in the qualified diversified trust might be a greater amount. The actual amount must be kept confidential by the trustee and, pursuant to § 734.404, not revealed to the interested parties.

Example (3): Note that $18,500 would be the income deemed to have been derived from the qualified diversified trust in Example (2), even if the actual income attributable to the interests of the interested parties was less than $18,500 or even if the trust had a net loss for the year.

§ 734.403 Qualified blind trusts.

(a) Definition. For purposes of § 734.403, the term "qualified blind trust" means a trust certified as approved by the Director, Office of Government Ethics, pursuant to § 734.403 which includes the provisions described in paragraph (b) of this section and has an independent trustee (as defined in § 734.406). See section 202(f)(3) of the Act.

(b) Required provisions. The trust instrument which establishes a trust to which this section applies shall provide that—

(1) The trustee in the exercise of his or her authority and discretion to manage and control the assets of the trust shall not consult or notify any interested party;

(2) The trust shall not contain any asset the holding of which by an interested party is prohibited by any law or regulation;

(3) The trustee shall promptly notify the reporting individual and the Director, Office of Government Ethics, when any particular asset transferred to the trust by any party has been completely disposed of or when the value of such asset becomes less than $1,000;

(4) The trust tax return shall be prepared by the trustee or his or her designee, and such return and any information relating thereto (other than the trust income summarized in appropriate categories necessary to complete an interested party’s tax return), shall not be disclosed publicly or to any interested party;

(5) An interested party shall not receive any report on the holdings and sources of income of the trust, except that the trustee shall—

(i) Make quarterly reports of the aggregate market value of the assets representing such interested party’s interest in the trust,

(ii) Report the net income or loss of the trust and make any other reports necessary to enable the interested party to complete an individual tax return required by law, and

(iii) Provide the information described in § 734.403(b) relating to reporting of income.

There shall be no direct or indirect communication between the trustee and an interested party with respect to the trust unless such communication is in writing and unless it relates only—

(i) To a request for a distribution from the trust,

(ii) To the general financial interest and needs of the interested party including, but not limited to, an interest in maximizing income or long-term capital gain,

(iii) To the notification of the trustee of a law or regulation subsequently applicable to the reporting individual which prohibits the interested party from holding an asset, which notification directs that the asset not be held by the trustee, or

(iv) To directions to the trustee to sell all of an asset initially placed in the trust by an interested party which in the determination of the reporting individual creates a conflict of interest or the appearance thereof due to the subsequent assumption of duties by the reporting individual but nothing in the trust instrument shall require any such direction;

(7) The interested parties shall not take any action to obtain, and shall take appropriate action to avoid receiving, information with respect to the holdings of, and the sources of income of, the trust, including obtaining a copy of any trust tax return filed by the trustee or any information relating thereto, except for the reports and information specified in paragraph (b)(5) of this section; and

(a) The trustee (and any other person designated in the trust instrument as an investment adviser) shall fulfill the filing requirements of § 734.407(b) and (d).

Example (1). Paragraph (b)(7) of this section prohibits any activity by interested parties to obtain, directly or indirectly, any information which under the rules of this
section is precluded from interested parties. The paragraph also specifically prohibits the passive receipt of precluded information by interested parties. Accordingly, interested parties and their representatives, and professionals who may be employed by them are required to exercise a high degree of diligence to safeguard against inadvertent disclosure of precluded information to the interested parties. Thus, for example:

(A) Professionals employed by the trustee to prepare the trust tax return should be cautioned against sending informational copies to any interested party, and

(B) An interested party who inadvertently receives in the mail a broker’s confirmation of a transaction for the trust should send the confirmation to the trustee with an accompanying letter instructing the trustee to take steps to assure that the party will not receive such confirmations in the future (a copy of such a letter must be sent to the Office of Government Ethics pursuant to §734.407(c)).

(c) Transitional rule. In the case of an individual who, before October 26, 1978, had a trust which constitutes a good faith attempt to create a blind trust, such a trust may, under the rules of section 202(f)(7) of the Act, be certified pursuant to the provisions of §734.405, as an approved qualified blind trust notwithstanding any provision of this section to the contrary.

§734.404 Qualified diversified trusts.

(a) Definition. For purposes of §734.402, the term “qualified diversified trust” means a trust certified as approve by the Director, Office of Government Ethics, pursuant to §734.405 which has a portfolio as specified in paragraph (b) of this section, includes the provisions described in paragraph (c) of this section, and has an independent trustee (as defined in §734.20). Such approval may be granted only in the case of individuals described in paragraph (e) of this section. See section 202(f)(4)(B) of the Act.

(b) Required portfolio. (1) In general. It must be established to the satisfaction of the Director, Office of Government Ethics, that the assets of the trust proposed for qualification consist of a well-diversified portfolio of readily marketable securities. Accordingly, the reporting individual, or a representative of such individual, shall provide the Director with a detailed listing of the securities proposed for inclusion in the portfolio, specifying their market values and demonstrating that the requirements of this paragraph have been met. None of the assets initially placed in the trust may constitute securities of issuers having substantial activities related to the reporting individual’s primary area of responsibility. No limitations are established under this paragraph with respect to—

(i) Cash, or

(ii) Debt instruments issued by the United States or its non-corporate instrumentalities.

(2) Well-diversified.

(i) Portfolios which exceed $250,000. In the case of a trust which has assets with a total market value which exceeds $250,000, the portfolio will not be deemed well-diversified for purposes of this section, if the trust holds—

(A) Securities of any issuer which have a market value which exceeds twenty percent of the total market value of the portfolio, or

(B) Securities substantially related to any industry or economic sector which have a market value which exceeds thirty percent of the total market value of the portfolio.

Notwithstanding the preceding sentence, the Office of Government Ethics may authorize limited deviations from the standards of this paragraph (b)(2)(i) with respect to the holdings initially transferred to the trust in cases where, under all the facts and circumstances, the Office determines that overall portfolio balance has been achieved.

Example (1): A proposed initial portfolio with a total market value of $250,000 is determined by the Office of Government Ethics to have overall balance and is deemed well-diversified even though securities of three utilities represent 32 percent of the portfolio’s total market value and the securities of one bank represent 33 percent. However, the trustee may not purchase additional utility or bank securities while the percentages of portfolio market value they represent continue to exceed the standards of paragraph (b)(2)(i) of this section.

(ii) Portfolios which do not exceed $250,000. The Office of Government Ethics recognizes that it is impractical in the case of smaller trusts to expect the same quantitative diversification with respect to initial holdings that is required in the case of larger trusts. Consequently, in the case of a trust which has assets with a total market value which does not exceed $250,000, the Office may authorize a lesser degree of diversification than the standards of paragraph (b)(2)(i) with respect to the holdings initially transferred to the trust in cases where, under all the facts and circumstances, the Office determines that overall portfolio balance has been achieved.

Example (1): A proposed initial portfolio with a total market value of $100,000 contains four listed securities, each representing a different industry or economic sector. Two of the securities each have a market value of $24,000, and the other two securities each have a market value of $28,000. The portfolio will be deemed to be well-diversified.

(iii) Consultation. Interested parties and their representatives are invited to consult with the Office of Government Ethics on the question of whether overall portfolio balance has been achieved in particular cases.

(3) Readily marketable. A security will be deemed readily marketable, for purposes of this section, if—

(i) Daily price quotations for such security appear regularly in newspapers of general circulation, such as the Wall Street Journal, New York Times, and Washington Post, and

(ii) The trust holds the security in a quantity which does not unduly impair liquidity.

(c) Required provisions. The trust instrument which establishes a trust to which this section applies must provide that—

(1) The trustee in the exercise of his or her authority and discretion to manage and control the assets of the trust shall not consult or notify any interested party;

(2) The trustee shall not acquire any securities in excess of the diversification standards of paragraph (b)(2)(i) of this section;

(3) The trustee shall not disclose publicly or to any interested party information as to the acquisition, retention, or disposition of any particular securities.

(4) The trust tax return shall be prepared by the trustee or his delegate, and such return and any information relating thereto shall not be disclosed publicly or to any interested party;

(5) An interested party shall not receive any report on the holdings and securities of the trust; except that the trustee shall—

(i) Make quarterly reports of the aggregate market value of the assets representing such interested party’s interest in the trust, and

(ii) Provide the information described in §734.402(b) (relating to reporting of income).

(b) There shall be no direct or indirect communication between the trustee and an interested party with respect to the trust unless such communication is in writing and unless it relates only—

(i) To a request for a distribution from the trust,

(ii) To the general financial interest and needs of the interested party (including, but not limited to, an interest in maximizing income or long-term capital gain), or

(iii) To information, documents, and funds provided by, or needed from, the interested party to effectuate the provisions of paragraph (d) of this section.
(7) The interested parties shall not take any action to obtain, and shall take appropriate action to avoid receiving, information with respect to the holdings of, and the sources and amounts of income of the trust including obtaining a copy of any trust or personal tax return filed by the trustee or any information relating thereto, except for the reports and information specified in paragraph (c)(5) of this section, and

(8) The trustee (and any other person designated in the trust instrument as an investment adviser) shall fulfill the filing requirements of §734.407(b) and (c).

(d) Personal income tax returns. In the case of a trust to which this section applies, the trustee shall be given power of attorney to prepare, and shall file, on behalf of any interested party the personal income tax returns and similar returns which may contain information relating to such trust. IRS Form 2848 (power of attorney) shall be used for this purpose. (See Rev. Proc. 79-43, 1979-C.B.—Communications regarding decisions such as whether to file joint or separate returns, the portions of a tax obligation to be borne by each spouse, the amounts and timing of tax payments, and the sources of funds therefrom, shall be subject to paragraph (c)(6)(iii) of this section.

(e) Applicability. The provisions of this section shall be applicable only in the case of a trust created for the benefit of a reporting individual appointed to his or her office by the President, by and with the consent of the Senate, or the spouse or dependent child of such a person. In the case of a reporting individual whose nomination is before a Senate committee, the individual must inform the Committee of his or her intention to establish a qualified diversified trust at the time his or her financial disclosure report is filed with such Committee. This notification is not required of a reporting individual who is already in office. This section shall not apply to members of the uniformed services or foreign service officers in the State Department.

(f) Transitional rule. In the case of an individual who, on October 28, 1978, had a trust existing before such date which constitutes a good faith attempt to create a blind trust, such a trust may, under the rules of section 202(f)(7) of the Act, be certified pursuant to the provisions of §734.405, as an approved qualified diversified trust, notwithstanding any provision of this section to the contrary.

§734.405 Certification of trusts proposed for qualifications; other matters.

(a) General rule. In any case in which an interested party desires to have a trust certified as a qualified blind trust or qualified diversified trust pursuant to the provisions of §734.405 or §734.406, respectively, such party or his or her representative should consult with the Director, Office of Government Ethics (or his or her delegate) as to the appropriateness of and requirements for certification in the particular case. In order to assure timely trust qualification, the interested party shall be responsible for the expeditious submission to the Office of all required documents and responses to requests for information. A trust will be certified as approved by—

(1) The Director in the case of a qualified blind trust, or

(2) The Director in concurrence with the Attorney General in the case of a qualified diversified trust,

only if it is established to the Director's satisfaction that the requirements of section 202 of the Act and this subpart have been met and that certification in such case is consistent with the policies established by such provisions and other applicable laws and regulations. Certification shall be indicated by a letter of approval from the Director to the interested party or his or her representative.

(b) Absence of control by interested party. Except as expressly approved by the Director, Office of Government Ethics, in the case of a trust proposed for qualification pursuant to the provisions of §734.405, any asset transferred to a trust under this subpart shall be free of any restriction with respect to its transfer or sale. Accordingly, interests in tax shelters, partnerships, and close corporations are subject to detailed scrutiny.

(c) Interested party, defined. For purposes of this subpart, the term "interested party" means a reporting individual who is not or has not been an employee, or involved in any joint venture of other provision or requirement of this subpart or the trust instrument, or

(4) Fail to file any document required by this subpart.

(e) Restrictions applicable to reporting individuals. In the case of a qualified blind trust or qualified diversified trust, a reporting individual shall not knowingly or negligently—

(1) Solicit or receive any information with respect to such trust of which he is an interested party that may not be disclosed pursuant to any provision or requirement of this subpart, or

(2) Fail to file any document required by this subpart.

§734.406 Independent trustee, defined.

(a) General rule. For purposes of this subpart, the term "independent trustee" shall be deemed to include any person referred to in paragraph (c)(6) of this section who, under all the facts and circumstances, is determined by the Director, Office of Government Ethics, in his or her sole discretion, to be independent of any interested party with respect to a trust proposed for qualification under this subpart. The Director shall indicate his or her approval of a proposed trustee, and of any person in addition to a party to the trust designated in the trust instrument as an investment adviser, by his or her signature on properly executed Certificates of Independence submitted to the Office of Government Ethics in the form prescribed by Appendix A of this part.

(b) Eligible person. A person, to be eligible to serve as a trustee under this section, must be:

(1) A financial institution, which is a "bank" as defined in 15 U.S.C. 292(a)(1) or (2)(a)(3);

(2) An attorney, who is admitted to practice before the highest court of any jurisdiction.

(3) A certified public accountant;

(4) A "broker", as defined in 15 U.S.C. 78c(a)(4); or


(c) Requirements. No eligible person shall be determined to be independent pursuant to this section unless such person (or any officer or employee thereof, involved or to be involved in the management or control of the trust)—

(1) Is independent of and unassociated with any interested party so that such person cannot be controlled or influenced in the administration of the trust by any interested party.

(2) Is not or has not been an employee of an interested party, or any organization affiliated with any interested party and is not a partner of, or involved in any joint venture of other
investment with, any interested party, and
(3) Is not a relative of any interested party. Accordingly, an otherwise eligible person who shares in a business enterprise or other undertaking with any interested party shall not be deemed to be independent under the rules of this paragraph.

Example (2). In Example (1), T would have been precluded from serving as R’s trustee if additionally—
(i) they both serve on the board of a local bank,
(ii) they are each limited partners in a tax shelter or operating business venture, or
(iii) their spouses jointly operate a commercial venture.

Example (3). In Example (1), T would not have been precluded from serving as R’s trustee if additionally—
(i) they both serve on a committee of their country club,
(ii) they each bought XYZ Corp. listed stock, after it was discussed by them during a golf weekend several months ago, or
(iii) R had purchased an office building from T.

§ 734.40 Special filing requirements in the case of qualified trusts.

(a) Reporting individuals. In the case of any qualified blind trust or qualified diversified trust, the reporting individual shall—
(1) Execution.—Within thirty days after such trust is pursuant to § 734.405(a) certified as approved by the Director, Office of Government Ethics, file with such Director a copy of—
(i) The executed trust instrument of such trust, and
(ii) A list of the assets which were transferred to such trust, categorized as to value in accordance with § 734.304. The provisions of any trust filed with the Director pursuant to this paragraph, which relate to the testamentary disposition of the trust assets need not be reported. If reported, these provisions shall not be subject to public disclosure.
(2) Transfer of assets.—Within thirty days of transferring an asset (other than cash) to such a trust, file a report with the Director, Office of Government Ethics, which shall briefly describe each such asset, categorized as to value in accordance with § 734.304.

(b) Trustees. The trustee of a qualified blind trust or qualified diversified trust, and any person in addition to a party to the trust designated in the trust instrument as an investment adviser, shall file with the Director, Office of Government Ethics, by the May 15 following any calendar year during which such trust was in existence a properly executed Certificate of Compliance in the form prescribed by Appendix B of this part. In addition, the trustee shall maintain and make available for inspection by the Office of Government Ethics, as it may from time to time direct, the trust’s books of account and other records and copies of the trust’s tax returns for each taxable year of the trust. Any document (and the information contained therein) inspected pursuant to the requirements of this paragraph (other than a Certificate of Compliance) shall not be subject to the public disclosure requirements of § 734.602, and shall not be disclosed to any interested party.

(c) Written communications. In the case of any written communication with respect to a qualified blind trust or qualified diversified trust, which is described in § 734.404(b)(6), respectively, a copy of such communication shall, within five days of its date, be filed by the person initiating the communication with the Director, Office of Government Ethics.

§ 734.408 Effective date.

The provisions of this subpart shall be applicable with respect to trusts certified as approved qualified blind trusts or qualified diversified trusts after these regulations become final.

Subpart F—Special Provisions

§ 734.501 Outside earned income.

(a) Limitation. Any reporting individual—
(1) Who occupies a full-time position in the Executive branch, appointment to which is required to be made by the President by and with the advice and consent of the Senate, and
(2) Who is compensated at a rate of pay which equals or exceeds the lowest rate of pay specified for GS-16 of the General Schedule prescribed by 5 U.S.C. 5332,
may not have in any calendar year outside earned income attributable to such calendar year which is in excess of 15 percent of such compensation.

(b) Defined. For purposes of this section, the term "outside earned income" means wages, salaries, commissions, professional fees and other compensation received for personal services actually rendered, but not for services for the United States Government described in paragraph (a) of this section. Income received by an inactive partner or income from royalties for a published book or from investments shall not be deemed outside earned income for purposes of this section.

Subpart G—Family Financial Interests-Section 202(a)(2)(D) of the Act authorizes the Director to grant a waiver in an unusual case with respect to the necessity for aggregating gifts. For the rules relating to this waiver, see § 734.205.

(b) With respect to gifts—Section 202(a)(2)(D) of the Act authorizes the Director to grant a waiver in an unusual case with respect to the necessity for aggregating gifts. For the rules relating to this waiver, see § 734.303(g).

Subpart F—Procedure

§ 734.601 Report forms.

The Office of Government Ethics makes available standard forms for reporting the information required by this part.

§ 734.602 Filing of reports.

(a) Except as otherwise provided in this section, a reporting individual shall file the report required under this part with the designated agency ethics official at the agency in which the individual—
(1) Is employed,
(2) Was employed prior to termination of employment, or
(3) Will serve.

The designated agency ethics official shall note on any report or supplemental report the date it is received.

(b) The President and Vice President shall file their reports with the Director of the Office of Government Ethics.

(c) The designated agency ethics official shall transmit to the Director, Office of Government Ethics, copies of the reports required to be filed by the Postmaster.
General, the Deputy Postmaster General, the governors of the Board of Governors of the United States Postal Service, designated agency officials, candidates for the office of President or Vice President and officers and employees of, and nominees to, offices or positions which require confirmation by the Senate other than those required of members of the uniformed services. Prior to transmitting a copy of the report to the Director, the designated agency official shall, except in the case of the official's own report, which shall be reviewed by the head of the agency, review the report in accordance with § 734.604(b). The Director shall forward a copy of the report of each nominee to the Senate committee considering the nomination. (See § 734.604(c) for procedures regarding the Director's review of such reports.)

(d) The Director shall file his or her report in the Office of Government Ethics. Upon receipt, the report will be made immediately available to the public in accordance with this part.

(e) Candidates for President and Vice President identified in § 734.201(d), other than an incumbent President or Vice President, shall file their reports with the Federal Election Commission which in turn shall send copies of such reports to the Office of Government Ethics pursuant to paragraph (c) of this section.

(f) Members of the uniformed services identified in § 734.222(c) shall file their reports with the Secretary concerned.

§ 734.603 Custody of and public access to reports.

(a) Each agency shall make each report filed with it under this part available to the public in accordance with the provisions of this section, together with a copy of the official position description of the Government office or position held by the reporting individual involved, if available. The position description shall be added to such report by such individual's designated agency official or by the Secretary concerned.

(b) This section does not require public availability of the report filed by any individual in the Central Intelligence Agency, the Defense Intelligence Agency, or the National Security Agency, or any individual engaged in intelligence activities in any agency of the United States, if the President finds that, due to the nature of the office or position occupied by such individual, public disclosure of such report would, by revealing the identity of the individual or other sensitive information, compromise the national interest of the United States. Such individuals may be authorized, notwithstanding § 734.701(a), to file such additional reports as are necessary to protect their identity from public disclosure if the President first finds that such filing is necessary in the national interest.

(c) Each agency shall, within fifteen days after any report is actually received by the agency, permit inspection of such report by, or furnish a copy of such report to any person who makes a written application stating—

(1) The person's name, occupation and address,

(2) The name and address of any other person or organization on whose behalf the inspection or copy is requested, and

(3) That such person is aware of the prohibitions on the obtaining or use of the report, as set forth in paragraph (e) of this section.

Any such application shall be made available to the public throughout the period during which the report itself is made available to the public. The reviewing officials and the support staffs used in maintaining the files and the staff of the Office of Government Ethics need not submit the application provided for by this paragraph.

(d) The agency may require a reasonable fee, established by appropriate regulation, to be paid in any amount which is found necessary to recover the direct cost of reproduction or mailing of such report, excluding any salary of any employee involved in such process. A copy of the report may be furnished without charge or at a reduced charge if the agency determines that waiver or reduction of the fee is in the public interest. The criteria used by an agency to determine when a fee will be reduced or waived shall be established by an appropriate regulation.

(e) It is unlawful for any person to obtain or use a report—

(1) For any unlawful purpose;

(2) For any commercial purpose, other than by news and communications media for dissemination to the general public;

(3) For determining or establishing the credit rating of any individual; or

(4) For use, directly or indirectly, in the solicitation of money for any political, charitable, or other purpose.

Example (1): The deputy general counsel of an agency is responsible for reviewing the public financial disclosures filed by officials within that agency. The personnel director for that agency wishes to review the disclosure of an individual within the agency. The personnel director must file an application to review the disclosure.

Example (2): A law enforcement agent is conducting an investigation which involves the private financial dealings of an individual who has filed a public disclosure. The agent must complete a written application in order to review or obtain a copy of the statement.

Example (3): A copy of a report is obtained by a reporter for use in a general newspaper article. This copy is seen on the reporter's desk by an editor who is in charge of a local charity drive. The editor observes that the reporting individual owns a business in his community and sends a personal note to the individual referring to the business and soliciting a contribution for the charity. This use is prohibited.

Example (4): A financial institution has received an application for a loan from an official indicating her present financial status. The official has filed a public financial disclosure with her agency. The financial institution cannot review the disclosure for purposes of checking the information contained on the report against that which appears on the application.

(f)(i) Any report filed with an agency, or transmitted to the Director, Office of Government Ethics, pursuant to this section, shall be retained by such agency or the Office of Government Ethics, or both, as the case may be. Such report shall be made available to the public for a period of six years after receipt of the report. After such six-year period the report shall be destroyed unless needed in an ongoing investigation, except that in the case of an individual who filed the report pursuant to § 734.201(c) and was not subsequently confirmed by the Senate, or who filed the report pursuant to § 734.201(d) and was not subsequently elected, such reports shall be destroyed one year after the individual either is no longer under consideration by the Senate or is no longer a candidate for nomination or election to the Office of President or Vice President unless needed in an ongoing investigation.

(2) For purposes of paragraph (f)(i) of this section, in the case of a reporting individual with respect to whom a trust has been qualified pursuant to Subpart D of this part, a copy of the qualified trust agreement, the list of assets initially placed in such trust, and all other publicly available documents relating to such trust shall be retained until the periods for retention of all other reports pertaining to the reporting individual have lapsed pursuant to paragraph (f)(c).

§ 734.604 Review of reports.

(a) In general. Reports shall be reviewed by the appropriate reviewing official within 60 days after the date of filing. Reports reviewed by the Director, Office of Government Ethics, shall be reviewed within 60 days from the date each report was transmitted by the agency to OGE.

(b) Responsibilities of reviewing officials—(1) Initial review. The reviewing official shall review each
report to determine to his or her satisfaction that—

(i) Each item is completed, and

(ii) No interest or position disclosed on the form violates or raises an appearance of violating—

(A) Any applicable provision of Chapter 11 of 18 U.S.C. Part 1,

(B) The Ethics in Government Act of 1978, as amended, and the regulations promulgated thereunder;

(C) Executive Order 12122 and applicable regulations promulgated thereunder; or

(D) Any other statute or regulation applicable to the employees of the reviewing official’s agency.

The reviewing official shall not sign and date the report until this complete review is made. A reviewing official need not audit the report to ascertain whether the disclosures are correct; disclosures are to be taken “face value” unless there is a patent omission or ambiguity or the official has independent knowledge of matters outside the report. A report which is signed by a reviewing official, however, shall signify that the agency in which the reporting individual serves has found that on the basis of the information disclosed on the report the individual is in compliance with applicable laws and regulations and that the report fulfills the requirements of this paragraph (b)(1).

(2) Requests for additional information. If the reviewing official believes that additional information is required to be submitted, the official shall request this information indicating a date by which the information must be submitted. Information contained in the response which was initially have been disclosed shall be attached to the report. Explanatory information which dispels a possible appearance problem about which the reviewing official was concerned shall not be attached, but the reviewing official shall note in the comment section that the disclosed interest which created the question has been investigated and does not create a problem under the criteria established in paragraph (b)(1) of this section.

(3) Review on basis of additional information. If the reviewing official concludes on the basis of the information disclosed on the report and any additional information which was required pursuant to paragraph (b)(2) that—

(i) The individual is in compliance with the criteria established in paragraph (b)(1), the reviewing official shall sign and date the report and shall send to the reporting individual written notification of such action including the addition of any comment written or attached to the form, or

(ii) The individual is not in compliance with the criteria established in paragraph (b)(1) of this section, the official shall—

(A) Notify the reporting individual of this opinion,

(B) Afford the reporting individual a reasonable opportunity for an oral or written response, and

(C) Determine on the basis of the response whether or not the individual is in compliance.

(4) Review to determine remedial action. If the reviewing official concludes, after following the procedures set forth in paragraph (b)(3)(ii), that—

(i) The reporting individual is in compliance with the criteria established in paragraph (b)(1), the reviewing officer shall sign and date the report and notify the reporting individual in writing that such action was taken; or

(ii) The reporting individual is not in compliance with the criteria established in paragraph (b)(1) of this section, the reviewing official shall—

(A) Notify the individual of that opinion,

(B) Afford the individual an opportunity for personal consultation, if practicable,

(C) Determine what remedial action should be taken to bring the individual into compliance, and

(D) Notify the individual in writing of the remedial action required, indicating a date by which such action should be taken. Except in unusual situations which must be fully documented to the satisfaction of the reviewing official, remedial action shall be completed within 90 days from the date the individual was notified that such action would be required.

(5) Remedial steps. Remedial steps may include, as appropriate:

(i) Divestiture of the conflicting interest,

(ii) Restitution,

(iii) The establishment of a qualified trust under section 202(f) of the Act,

(iv) Request for an exemption under 18 U.S.C. 208(b),

(v) Recusal, or

(vi) Voluntary request by the individual for transfer, reassignment, limitation of duties or resignation.

(6) Compliance or referral.

(i) If the reporting individual complies with a written request for remedial action required under paragraph (b)(4)(ii), the reviewing official shall indicate that such action has been taken in the comment section of the report and shall sign and date the report. The reviewing official shall send written notification of the signing and of the addition of the comment to the form to the reporting individual.

(ii) If the reporting individual does not comply with a written request for remedial action transmitted pursuant to paragraph (b)(4)(ii), the reviewing official shall notify the Office of Government Ethics and refer the matter for appropriate action to—

(A) The President, when the reporting individual is in a position other than in the uniformed services, appointment to which requires the advice and consent of the Senate

(B) The Secretary concerned, for a member of the uniformed services, or

(C) The head of the agency, for any other officer or employee, except in the case of the Postmaster General or Deputy Postmaster General, the Director of the Office of Government Ethics (OGE) shall recommend to the Governors of the Board of Governors of the United States Postal Service the action to be taken. In unusual circumstances, the Office of Government Ethics may order corrective action pursuant to its authority under section 402(b)(9) of the Act.

(7) Appropriate action. Appropriate action includes changes in assigned duties or adverse action in accordance with the procedures set forth in 5 CFR Part 782.

(8) Scope of this paragraph. The provisions of this paragraph (b) shall not apply in the case of President or Vice President, or a candidate or nominee for such office.

(c) Expedited procedure in the case of individuals appointed by the President with concurrence of the Senate.

Notwithstanding paragraph (a) of this section, in the case of an individual who is nominated to a position or who is proposed to be named to a position which requires the advice and consent of the Senate, the President shall furnish the financial disclosure reporting forms to the designated agency official at the agency in which the nominee will serve or is serving or when appropriate, the nominee shall file the completed report directly with such designated agency official.

(1) The Executive Office of the President shall furnish the financial disclosure reporting forms to the nominee and shall forward the completed form to the designated agency official at the agency in which the nominee will serve or is serving or when appropriate, the nominee shall file the completed report directly with such designated agency official.

(2) The designated agency official shall review the report upon receipt and, only after the official completes and initial review in accordance with paragraph (b)(1) of this section and concludes that there is no conflict of interest under applicable laws and regulations, the official shall—

(i) Attach to the report a copy of the official position description (when
available) of the position to be filled by the nominee;
(ii) Personally sign such report and date the approval;
(iii) Write a letter to the Director, Office of Government Ethics, stating that there is no conflict of interest under applicable laws and regulations, and discussing—
(A) Any problems which the official encountered in connection with the report and describing the resolution of such problems, and
(B) Any specific commitment, agreement, or other undertaking by the nominee to resolve any such problem through recusal, divestiture or similar action; and
(iv) Deliver the letter and report to the Director, Office of Government Ethics, within three days after the receipt of the report by the agency in which the nominee will serve or is serving.
(b) The Director of the Office of Government Ethics shall review the report and the letter from the designated agency official and, if satisfied that there is no unresolved conflict, the Director shall sign the report and date the approval. The Director shall submit the report with a letter to the Senate Committee involved expressing the Director's opinion that on the basis of information contained in the report the nominee is in compliance with applicable laws and regulations.

§ 734.605 Advice and opinions.
- For purposes of assisting both current and former employees in avoiding situations in which they would not be in compliance with applicable laws and regulations and to inform members of the public—
(a) The Director, Office of Government Ethics, will render advisory opinions on matters of general applicability or on important matters of first impression after, to the extent practicable, providing interested parties with an opportunity to transmit written comments with respect to the request for such advisory opinion, and whereby such advisory opinions are compiled, published, and made available to agency ethics counselors and the public; and
(b) Each Secretary concerned and designated agency official, including the President in the case of individuals employed in the Executive Office of the President, will maintain a list of those circumstances or situations which have resulted or may result in non-compliance with such laws or regulations; such list shall be periodically published, and shall be furnished to those individuals employed within the agency who are required to file reports under this part, however, the absence of any situation or circumstance from such a list shall not be construed as an indication that an individual in such circumstance or situation would be in compliance with such laws or regulations.

Subpart G—Penalties and Remedial Action

§ 734.701 Failure to file or falsifying reports.
(a) Civil action. The Attorney General may bring a civil action in any appropriate United States District Court against any individual who knowingly and willfully falsifies or who knowingly or willfully fails to file or report any information that such individual is required to report pursuant to this part. The court in which such action is brought may assess against such individual a civil penalty in any amount, not to exceed $5,000.
(b) Referral of cases. The head of each agency, each Secretary concerned, or the Director, Office of Government Ethics, as the case may be, shall refer to the Attorney General the name of any individual he or she has reasonable cause to believe has willfully failed to file a report or has willfully falsified or willfully fail to file information required to be reported.
(c) Administrative remedies. The President, the Vice President, the Director, Office of Government Ethics, the Secretary concerned, the head of each agency, and the Office of Personnel Management, may take any appropriate personnel or other action in accordance with applicable law such action against any individual failing to file a report or report. Such action includes adverse action under 5 CFR Part 752.

§ 734.702 Certain actions in the case of qualified trusts.
(a) The Attorney General may bring a civil action in any appropriate United States District Court against any individual who knowingly and willfully violates the provisions of § 734.407(a) or (b). The court in which such action is brought may assess against such individual a civil penalty in any amount, not to exceed $5,000.
(b) The Attorney General may bring a civil action in any appropriate United States District Court against any individual who negligently violates the provisions of § 734.407(a) or (b). The court in which such action is brought may assess against such individual a civil penalty in any amount, not to exceed $1,000.

§ 734.703 Misuse of reports.
The Attorney General may bring a civil action against any person who obtains or uses a report filed pursuant to this part for any purpose prohibited by section 205(c)(2) of the Act and § 734.603(a). The court in which such action is brought may assess against such person a penalty in any amount, not to exceed $5,000. Such remedy shall be in addition to any other remedy available under statutory or common law.

Appendix A

The Certificate of Independence required by § 734.406(a) shall be executed as follows:

Certificate of Independence—

With respect to the trust of [Settlor], which has been proposed to the Office of Government Ethics for qualification pursuant to the Ethics in Government Act of 1978 (Pub. L. 95–521, as amended), the undersigned proposed Trustee of such trust, or person in addition to a party to the trust designated in the trust instrument as an investment adviser, is eligible to serve in such fiduciary capacity in accordance with section 302(i)(3)(A) of such Act:
First: The undersigned is (check one)—
☐ a financial institution, which is a "bank" as defined in 15 U.S.C. § 80b–2(a)(3);
☐ an attorney, who is admitted to practice before the highest court of [ ];
☐ a certified public accountant;
☐ a "broker", as defined in 15 U.S.C. § 78c(a)(4);
☐ an investment adviser, as defined in 15 U.S.C. § 80b–2(a)(11) or
☐ a person in addition to a party to the trust designated in the trust instrument as an investment adviser.
Second: The undersigned (and any officer or employee of the undersigned, involved or to be involved in the management or control of the trust)—
(A) Is independent of and unassociated with any interested party so that the undersigned (and any such officer and employee) cannot be controlled or influenced in the administration of the trust by any interested party;
(B) Is not or has not been an employee of an interested party or organization affiliated with any interested party and is not a partner of, or involved in any joint venture or other investment with, any interested party;
(C) Is not a relative of any interested party; and
(D) Does not share actively in a business enterprise or other undertaking with any interested party.

The undersigned certifies that the statements contained herein are true.
Appendix B

The Certificate of Compliance required by § 734.407(b) shall be executed as follows:

Certificate of Compliance

With respect to the qualified blind trust [qualified diversified trust] of ________ (Settlor), the undersigned, the approved Trustee of such trust or approved person in addition to a party to the trust designated in the trust instrument as an investment adviser pursuant to 5 CFR § 734.408, has served in such fiduciary capacity during the calendar year ________ (or for the period beginning ________ and ending ________) and is eligible to continue in such capacity by virtue of the following:

The undersigned (and any officer or employee involved in the management or control of the trust) has not knowingly or negligently, and will not—

(A) disclose any information to an interested party with respect to such trust that may not be disclosed pursuant to 5 CFR § 734.403(b)(5) [5 CFR § 734.404(c)(5), in the case of a qualified diversified trust] or any other provision or requirement of subpart D of 5 CFR Part 734.

(B) acquire any holding the ownership of which is prohibited by, or not in accordance with, 5 C.F.R. § 734.403(b)(2) [5 C.F.R. § 734.404(c)(2), in the case of a qualified diversified trust] or the terms of the trust instrument,

(C) solicit advice from any interested party with respect to such trust, which solicitation is prohibited by 5 C.F.R. § 734.403(b)(1) [5 C.F.R. § 734.404(c)(1), in the case of a qualified diversified trust] or any other provision or requirement of subpart D of 5 C.F.R. Part 734 or the trust instrument,

(D) fail to file any document required by 5 C.F.R. § 734.407(b) and (c) or any other provision of subpart D of 5 C.F.R. Part 734, or

(E) violate or fail to comply with any provision or requirement of subpart D of 5 C.F.D. Part 734 or the trust instrument.

The undersigned certifies that the statements contained herein are true, complete and correct to the best of such undersigned's knowledge and belief.

Date ________

(firm)

By: ________

Approved by ________ Director, Office of Government Ethics

Date ________

(2) Subpart E of 5 CFR Part 735 is revoked.

(Authority: Titles II and IV of Pub. L. 95-521 (October 26, 1978), as amended by Pub. L. 96-19 (June 13, 1979).)

[FR Doc. 80-9035 Filed 3-24-80; 8:45 am]

BILLING CODE 6325-01-M
Part III

Federal Trade Commission

Use of Energy Cost and Consumption Information in the Labeling and Advertising for Consumer Appliances Under the Energy Policy and Conservation Act; Comparability Ranges; Correction
SUMMARY: On November 19, 1979, the Federal Trade Commission issued a final rule that requires the disclosure of energy efficiency information for the following categories of appliances: refrigerators and refrigerator-freezers, freezers, dishwashers, clothes washers, water heaters, air conditioners and furnaces. Section 305.8 of the rule requires affected members of the appliance industry to submit to the Commission information relating to the energy cost or energy efficiency rating of covered appliances. Using this information, the Commission recently published (45 FR 13998, March 3, 1980) the ranges of energy cost or energy efficiency ratings for the appliances covered by the rule. This information will be used by the industry to prepare required labels and fact sheets. This notice corrects certain technical errors that appeared in the ranges published on March 3, 1980, and corrects certain other technical errors in the rules.

EFFECTIVE DATE: These corrections are effective on March 25, 1980.


SUPPLEMENTARY INFORMATION: The Commission published the final rule on November 19, 1979 (44 FR 60469). Information respecting the annual ranges of comparability was published in the Federal Register on Monday, March 3, 1980 (45 FR 13998). The published ranges are applicable to refrigerators and refrigerator-freezers, freezers, dishwashers, clothes washers, water heaters, room air conditioners and furnaces.

Appendix F of the final rule failed to define correctly the classification of clothes washers. Section 305.7(f) of the rule provides a basis for establishing the size of a clothes washer by converting tub capacity into gallons of water with a conversion factor of eight gallons per cubic foot. This measurement does not clearly reflect the Department of Energy test procedure definitions for compact and standard clothes washers.

Section 305.7(f) and Appendix F of the rule are corrected to read as follows:

"Compact includes all household clothes washers with a tub capacity of less than 1.6 cubic feet or 13 gallons."

"Standard includes all household clothes washers with a tub capacity of 1.6 cubic feet or 13 gallons or more."

A second technical correction amends Appendix D1—Water Heater—Gas—to incorporate the ranges of comparability for all propane fueled water heaters. This correction is necessitated by Department of Energy test procedures and final rule requirements. Finally, a number of technical corrections have been made so that the ranges of comparability for refrigerators and refrigerator-freezers, freezers, dishwashers, clothes washers, water heaters and room air conditioners now reflect information submitted by industry members following initial preparation of the ranges by the Commission.

The revised appendices follow:

Appendix A1—Refrigerators

<table>
<thead>
<tr>
<th>Manufacturer's rated total refrigerated volume in cubic feet</th>
<th>Ranges of estimated yearly energy cost; electricity</th>
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<tr>
<td>Low</td>
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<td>---</td>
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<td>16.5 and over</td>
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Appendix A2—Refrigerator-Freezers

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<th>Ranges of estimated yearly energy cost; electricity</th>
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Appendix B—Freezers

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<tr>
<th>Manufacturer's rated total refrigerated volume in cubic feet</th>
<th>Ranges of estimated yearly energy cost; electricity</th>
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<td>Low</td>
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<tr>
<td>Less than 5.5</td>
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Appendix C—Dishwashers

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<th>Ranges of estimated yearly energy cost; heated water</th>
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Appendix D2—Water Heater—Electric

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## Appendix G1—Furnaces—Gas—Continued

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*No data submitted.*

## Appendix G2—Furnaces—Electric

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<th>Ranges of energy efficiency ratings Low</th>
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*No data submitted.*

## Appendix G3—Furnaces—Oil

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<td>152,000 to 178,000</td>
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*No data submitted.*

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Appendix H—Clothes Washers

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<th>Ranges of estimated yearly energy costs; heated water Compressibility</th>
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<th>Natural gas High</th>
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Issued:

Carol M. Thomas,  
Secretary.

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Part IV

Department of Justice

Law Enforcement Assistance Administration

Requests for Comments on the Proposed LEAA Guideline: Removing Children From Adult Jails and Lock-Ups
DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

Requests for Comments on the Proposed LEAA Guideline: Removing Children From Adult Jails and Lock-Ups

AGENCY: Law Enforcement Assistance Administration (LEAA).

ACTION: Request for Public Comment.

SUMMARY: Notice is hereby given that the Office of Juvenile Justice and Delinquency Prevention, Law Enforcement Assistance Administration, pursuant to the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, 42 U.S.C. 5601, et seq., proposes to issue an addition to the National Priority Program and Discretionary Program Announcement, published in the Federal Register on February 15, 1980. It will not in any way impact upon the programs or regulations presently set out in that announcement or affect the eligibility of those individuals applying for previously announced programs.

SUPPLEMENTARY INFORMATION: The Office of Juvenile Justice and Delinquency Prevention (OJJDP) is inviting interested persons to comment on the proposed guideline and will consider all such written comments before the final publication of this guideline. A weighting factor will be assigned to the selection criteria in the final publication. Thus, any views and suggestions regarding the weighting factors are sought. The period for public comment on this proposed guideline is 30 days. This 30 day external review period was approved by Homer F. Brooms, Acting Administrator of LEAA, because it is deemed in the best interest of the public to provide for award of grants before October 1, 1980. After development of the final guideline, which is expected to be published in the Federal Register in Spring 1980, it is anticipated that interested persons will have approximately 60 days to develop applications.

This notice and opportunity to submit written views and comments is provided pursuant to Executive Order No. 12044, Improving Government Regulations, to ensure that interested organizations, agencies and individuals have an opportunity to review the proposed guideline. Interested persons are invited to submit written comments or suggestions to Doyle A. Wood, Office of Juvenile Justice and Delinquency Prevention, 933 Indiana Avenue, NW, Room 442, Washington, DC 20531, on or before April 15, 1980. Mr. Wood's telephone number is 202/724-7775.

Im M. Schwartz, Administrator, Office of Juvenile Justice and Delinquency Prevention.

Removing Children From Adult Jails and Lock-Ups

A. Program Objective

Pursuant to Section 224(a)(2) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) is sponsoring a program to support the development and implementation of projects which will address the problems of removing juveniles from adult jails and lock-ups. This program is consistent with the mandate of Section 223(a)(13) of the JJDPA of 1974, as amended, which provides that juveniles shall not be detained or confined in any institution in which they have regular contact with adults incarcerated because such adults have been convicted of a crime or are awaiting trial on criminal charges. This program is intended to provide the necessary resources, including both financial and technical, to jurisdictions which will assist them in planning and implementing a viable strategy to remove juveniles from adult jails and lock-ups.

B. Program Description

1. Background

The detention of juveniles in adult jails and lock-ups has long been a moral issue in this country which has been characterized by sporadic public concern and minimal action toward its resolution. It is suspected that the general lack of public awareness, and the low level of official action are exacerbated by the absence of meaningful information, and the low visibility of juveniles in jails and lock-ups. This situation is perpetuated by official rhetoric which cloaks the practice of jailing juveniles in a variety of poorly-conceived rationales. In fact, the time-honored but unsubstantiated "rationales" of public safety, protection from themselves or their environments, and lack of alternatives break down under close scrutiny. In reality, the aggressive and unpredictable threat to public safety perceived by the community is often just the opposite. A recent survey of a nine-state area by the Children's Defense Fund indicates that 18 percent of the juveniles in jails have not even been charged with an act which would be a crime if committed by an adult. Four percent have committed no offense at all. Of those jailed on criminal-type offenses, 85 percent are there on property and minor offenses.

Not until 1971, with the completion of the National Jail Census, did a clearer and more comprehensive picture of jails surface. By its own admission, the Census showed only a snapshot of American jails and the people who live in them. Significantly, it excluded those facilities holding persons less than 48 hours. This is critical with respect to juveniles because it is the police lock-up and the drunk tank to which alleged juvenile offenders are so often relegated awaiting court appearance.

The Census did, however, give us the first nationwide indication of the number of juveniles held in jail. On March 15, 1970, 7,600 juveniles were incarcerated in 4,037 jails. A comparable census in 1974 estimated that this number had grown to 12,744. The inadequacy of the data is more apparent when a determination of the number of juveniles admitted to adult jails and lock-ups each year is sought. Recent surveys indicate that this figure ranges up to 500,000. The Children's Defense Fund states that even the half-million figure is "grossly understated" and that "there is an appalling vacuum of information... when it comes to children in jails." Regardless of the true figure, it is clear that the practice of jailing juveniles has not diminished during the last decade. People who do not belong in jail, and jail conditions that are not suitable for people, were the concerns that impelled representatives from more than 30 national organizations (including the American Bar Association, the National Association of Counties, the National Sheriff's Association, the National League of Cities, and others) to establish the National Coalition for Jail Reform. Its recent statement of position, which was agreed to by each organization of the coalition, is that no child should be held in an adult jail.

2. Problem Addressed

Many communities have not been able to fully implement Section 223(a)(13). The limited number of alternative resources available to them has resulted in a heavy reliance on city lock-ups and county jails for youth who are held pending court appearance. This lack of resources is particularly serious since there is a significant number of juveniles, including both delinquents and status offenders, held in jails and lock-ups.

This program is aimed at providing alternative programs and services, to alleviate the use of adult jails and lock-
ups for the detention of children. It is also intended to challenge the policies and practices which result in the inappropriate placement of juveniles in adult jails and lock-ups. Persistent indicators consistently identify the less visible and more brutal practices of inappropriate confinement of juveniles in jails and lock-ups which needs immediate attention and rectification.

In virtually all of the rural areas of the country, the sole resource for those alleged juvenile offenders who cannot immediately be returned to their own homes pending court appearance is the local jail or municipal lock-ups. These antiquated facilities are often unsuitable for adult offenders, much less juvenile offenders. The standard living conditions found in many are the subject of widespread litigation under the Eighth Amendment.

The major areas of concern include: A general lack of alternative residential and non-residential programs for youth awaiting court appearance; lack of community resources to deal effectively with status offenders and non-offenders in the schools and within the family structure; legal services often inaccessible on an immediate basis and/or unavailable even in the long run; lower public visibility of the practice of jailing juveniles brought on by a lack of organized or informal youth advocacy efforts geared to the deinstitutionalization issue; the existence of unique situations which greatly increase the incidence of status offenses in certain areas, particularly those involving out-of-state runaways on interstate highways and seasonal migration to resort areas; a lack of 24-hour intake screening and a lack of objective intake criteria.

3. Assumptions

a. Regular contact between juveniles and adult offenders is detrimental and should be eliminated in detention and correctional facilities.

b. Mere separation of a juvenile from an adult offender in a jail or lock-up does not guarantee that children held in jails will receive services geared to their special needs. Alternative strategies should be developed which include the consideration of emergency foster care, home detention, 24-hour intake screening, crisis intervention services, shelter care, etc., where appropriate, regional juvenile detention as indicated by a comprehensive survey and analysis of the juvenile detention population and available community resources.

c. There are dangers inherent in any level of separation short of complete removal. These dangers include the potential for isolation of juveniles in adult facilities which is counterproductive to the development of the child. Also, efforts to separate often result in costly renovation of facilities which still do not meet the needs of the community and the child.

d. Alternatives to incarceration are often scarce in rural communities, as the number of juvenile served is relatively small in comparison with urban areas.

4. Target Population

The population expected to benefit from this initiative is juveniles (delinquents, status offenders, and non-offenders) who are currently held in regular contact with adults in jails and lock-ups.

5. Result Sought

a. The removal of juveniles from adult jails and lock-ups.

b. The development of a flexible network of service and placement options for alleged juvenile offenders and non-offenders based upon: (1) The least restrictive alternative, and (2) maintenance of a juvenile’s family and community ties.

c. A planning and implementation process for removal of juveniles: (1) Is based upon a recognition of youth rights and due process and which promotes the advocacy of such, and (2) utilizes active citizen participation and youth involvement.

d. The development and adoption of intake criteria, consistent with the standards of the National Advisory Committee for Juvenile Justice and Delinquency Prevention and other nationally recommended standards, for alleged juvenile offenders and non-offenders who are awaiting court appearance.

e. An enhanced capacity for parents, schools, and police to resolve problems of youth in a non-judicial manner and thus alleviate the use of jails and lock-ups. This includes, where appropriate, the coordination and integration of public and private child welfare services.

f. An identification and description of viable alternatives to the use of jails and lock-ups.

C. Program Strategy

This program employs a two-phased approach. Phase I is a planning and analysis period during which local jurisdictions, with OJJDP assistance, will develop a systematic plan for removing juveniles from adult jails and lock-ups.

Phase II is the implementation of the plan in a selected number of jurisdictions whose planning process and results support the need for program and service alternatives.

A National Program Coordinator (NPC), through a cooperative agreement with OJJDP, will receive an award of funds to implement this program. The National Program Coordinator will thus act as the conduit for funds to the local jurisdictions and provide jurisdictions with technical assistance with data collection and analysis, training, designing survey instruments, facilitating community and citizen participation, developing alternative programs and services with the local jurisdiction, and program implementation.

1. Phase I: Planning and Analysis

a. Phase I is directed toward planning and analysis which will result in an action plan for removing juveniles from adult jails and lock-ups. Participants, with technical assistance and other support from the National Program Coordinator, will undertake a planning process consisting of problem perspective and definitions, needs assessment, policy and plan development, plan implementation, and follow-up assessment and monitoring.

b. During Phase I the following problems should be addressed:

(1) Need for the use of intensive supervision in the child’s home as a placement alternative.

(2) Lack of emergency foster care, shelter care and independent living arrangements.

(3) Lack of crisis intervention services and short term residential crisis intervention programs which can be used for conflict mediation, emergency holding and provision of emergency attention for youth with physical or emotional problems.

(4) Need for the development of objective intake criteria which are based upon a presumption of release, promote utilization of the least restrictive alternative, assure the protection of a child’s right to due process, and maintain a child’s ties to the family and community.

(5) Lack of coordination and cooperation between law enforcement officials, the judicial sector, public and private service providers, the community in general, etc., which attributes to the inappropriate placement of juveniles in jails and lock-ups.

(6) Need to develop a flexible network of services and programs which is amenable to the individual local jurisdiction’s needs and capabilities.

(7) Need for 24-hour intake screening services.

2. Phase II: Program Implementation

Phase II is directed toward implementing a comprehensive strategy...
to remove juveniles from adult jails and lock-ups based upon the plan developed in Phase I. OJJDP, with the assistance of the National Program Coordinator, will provide financial and program assistance to support implementation of such plans.

3. National Program Coordinator

The National Program Coordinator (NPC) will be the conduit for financial, planning, and program assistance to the local jurisdiction during both Phase I and Phase II. The NPC will provide the jurisdictions assistance in the following activities:

a. Collection of information on trends for intake processing, intake criteria, alternatives to incarceration, planning strategies and cost.
b. Training of data collectors.
c. Design of survey instruments.
d. Information and data analysis.
e. Establishment of objective intake criteria.
f. Survey of standards relative to implementation and operational aspects of alternative programs.
g. Facilitating citizen participation.
h. Developing alternative programs and services.
i. Program implementation
j. Program follow-up.
k. Assisting local jurisdictions in securing additional financial support from general revenue services, foundations, other Federal agencies, or other sources of financial support.

The National Program Coordinator (NPC), in cooperation with OJJDP, provides general guidance as to goals and organization of local projects; it assists with development of planning strategies and may work directly with particular key officials; it provides specialized assistance in relation to technical tasks of each phase; and finally it provides sites with a substantial amount of technical assistance material and assistance in financial accountability. The NPC, in cooperation with OJJDP, will be responsible for identification and description of viable alternatives to the use of jails and lock-ups for the detention of juveniles. The National Program Coordinator will assist OJJDP with screening of potential sites; selections will be made by the NPC with final approval authority in OJJDP. The NPC and OJJDP will jointly develop selection criteria for Phase II participation.

D. Dollar Range and Number of Grants

1. The period for this program is two years with a total funding commitment of $3,000,000. The National Program Coordinator will be selected by OJJDP with financial support through a cooperative agreement between OJJDP and the NPC. Support for the National Program Coordinator shall not exceed $600,000 (i.e., 20% of the total $3,000,000 award). The remainder of the award will be contracted by the National Program Coordinator to local jurisdictions for implementation of Phase II of the initiative. Financial assistance provided under this program requires no matching contribution except as provided in Section D-3 of this announcement regarding construction funds.

2. Up to 20 local jurisdictions will be selected by OJJDP to participate in Phase I. Each local site will receive technical assistance for Phase I from OJJDP and the National Program Coordinator which should be completed over a six-month period.

- 3. Fifty to eighteen jurisdictions participating in Phase I will be selected to participate in Phase II. Phase II financial support will range from $50,000 to $200,000, and will be made directly by the National Program Coordinator to the local sites. Project periods for Phase II will range from 12 to 18 months. No additional funding is contemplated beyond the established project period.

Up to one-third of the funds received by a jurisdiction for Phase II may be used for construction or renovation purposes. All construction funds must be used for innovative, non-secure community-based facilities for less than 20 persons and must be matched dollar for dollar by the local jurisdiction. The local jurisdiction will be held accountable for adherence to Section 227 of the JJDP Act and the requirements for construction programs which are contained in LEAA Financial Guideline M 7101.6. Change 8, Chapter 7, Paragraph 9 entitled “Identification of Construction Programs.” In addition, the erection of new buildings or the renovation of jails will not be permitted with funds acquired through this program.

E. Project Eligibility/Applicant Capability

1. National Program Coordinator

Applications are invited from public agencies and private non-profit organizations which have extensive knowledge of at least two years of experience in developing and/or implementing alternatives to the detention of children in adult jails and lock-ups.

The applicant must: a. Demonstrate knowledge of and experience with juvenile justice systems, local jails and lock-ups in which changes are to be sought, and the problems, strategies and program alternatives necessary to remove children from adult jails and lock-ups;

b. Have the demonstrated capability or experience to develop management and fiscal systems necessary for the proper administration of Federal funds;
c. Demonstrate its ability to fulfill the activities identified in Section C3 of this announcement;
d. Have available experienced administrative and professional staff who demonstrate a commitment to and experience in providing alternatives to the detention of juveniles in jails and lock-ups; and

e. Provide a detailed task specific description of activities which includes a proposed level of OJJDP involvement in each task.

2. Phase I

a. Concept papers are invited from local agencies and private non-profit organizations and must contain the elements of Section G within this program announcement.

b. Concept papers must demonstrate the following: (1) A documented history of placement of alleged juvenile offenders, status offenders and non-offenders in adult jails or lock-ups.

(2) Willingness on the part of the court, community groups and local governments to support positive change with regard to adoption of objective intake criteria, placement of children in the least restrictive alternative, and a regard for maintenance of family and community ties.

(3) Willingness to develop community-based or other release options for juveniles.

(4) Documented willingness to apply local financial resources to this effort.

(5) Evidence of willingness to adhere to nationally recognized standards, regulations and guidelines pertaining to interim status of youth awaiting court appearance.

F. Application Submission Procedures and Deadlines

1. National Program Coordinator

Prospective applicants for the National Program Coordinator must mail or hand deliver one (1) original and two (2) copies of the application, using Standard Form 424, to the Office of Juvenile Justice and Delinquency Prevention, LEAA, Room 428, 633 Indiana Avenue, NW, Washington, DC 20531, by ______. Applications sent by mail will be considered to be received on time if sent by registered mail or certified mail no later than ______________, as evidenced by the U.S. Postal Service postmark or the original receipt from the U.S. Postal Service.
2. Phase I Concept Papers

Those eligible jurisdictions who propose to participate in Phase I must submit concept papers by

An original and two (2) copies must be sent to the Office of Juvenile Justice and Delinquency Prevention, LEAA, Room 442, 633 Indiana Avenue, NW, Washington, DC 20531. Section G of this program announcement identifies what must be contained in the Phase I concept papers.

G. Contents and Selection of Criteria for Phase I Concept Paper

1. Concept papers for Phase I should not exceed 15-20 pages and must include the information numbered and labeled, according to the following:
   a. Name and address of jurisdiction; include name, address and phone number of contact persons.
   b. Brief description of the jurisdiction's interest in the program.
   c. Description of the project jurisdiction, size and the juvenile population.
   d. Description of the current juvenile intake and detention processes, intake criteria, resources, constraints, legal framework (including a summary of all relevant laws and formal administrative policies and procedures bearing on the issue of detaining children in jails and lock-ups), and financial or funding sources.
   e. Statement as to the number of adult jails and lock-ups in the jurisdiction and the holding capacity for both juveniles and adults in each.
   f. Statement of need including a brief description as to the causes for which children are held in the local jails or lock-ups.
   g. Total number of juvenile and adult arrests within jurisdiction for the latest 12-month period.
   h. Total number of juveniles held in each of the jurisdiction's facilities for the latest 12-month period; total number of these detained or incarcerated with adults and description of the facilities in which they are commingled.
   i. A brief description of the existing jail alternatives.
   j. Assurance that the court of jurisdiction is willing to reexamine its intake criteria and experiment with alternative criteria.
   k. A documented statement of willingness to develop community-based or other release options, to apply local financial resources to the effort, and to adhere to nationally recognized standards, regulations, and guidelines pertaining to juveniles awaiting court appearances.
   l. Letter of support from local juvenile court officials, law enforcement officials and local child service providers which demonstrate a commitment to removing children from adult jails and lock-ups.

2. Phase I participants will be selected according to the extent they meet the eligibility criteria contained in Section E of this announcement and to the extent they demonstrate the need and willingness to remove juveniles from adult jails and lock-ups. Preferential consideration will be provided to those concept papers from jurisdictions in which the following exist:
   a. The geography and the absence of alternatives to the use of jails are major obstacles in removing children from adult jails and lock-ups.
   b. A contiguous group of counties or jurisdictions has jointly cooperated in the development and submission of one concept paper.
   c. Local jurisdictions are currently under court order to remove children from adult jails and lock-ups.
   d. There exists a documented history and an exceptionally high rate of juveniles being detained and/or placed in the local jails and lock-ups.

H. Evaluation Requirement

1. An independent evaluation of this program is planned, to be undertaken by an independent evaluator selected by the Office of Juvenile Justice and Delinquency Prevention (OJJDP). The evaluator and OJJDP will select projects for intensive evaluation. All projects must indicate a commitment to participate in the evaluation.
   a. In addition to the normal self-assessment and monitoring activities all Phase II participants must propose an evaluation plan for their project.
   b. Participants may be required to modify their proposed project specific evaluation plans in order to be integrated into the national level program evaluation design to be developed by the independent national evaluator.

I. Civil Rights Compliance Requirements

Those who are selected for funding under this program will be required to comply with the following:

Each recipient of OJJARS assistance within the criminal justice system which has 50 or more employees and which has received grants or subgrants of $25,000 or more pursuant to and since the enactment of the Safe Streets Act of 1968, as amended, which has a service population with a minority representation of 3% or more is required to formulate, implement and maintain an EEOP. Where a recipient has 50 or more employees, and has received grants or subgrants of $25,000 or more and has a service population with a minority representation of less than 3% such recipient is required to formulate, implement and maintain an EEOP relating to employment practices affecting women. This requirement shall be satisfied prior to the receipt of funds.

Applicants that do not meet any of the above criteria, educational institutions, public and/or private non-profit agencies, shall maintain such records and submit to the OJARS upon request timely, complete and accurate racial and ethnic data establishing the fact that no person or persons will be or have been denied or prohibited from participation in, benefits of, or denied or prohibited from obtaining employment in connection with any program or activity funded in whole or in part with funds made available under this initiative because of their race, color, national origin, religion, or handicap status.

In the case of any program under which a primary recipient of Federal funds extends financial assistance to any other recipient or subcontracts with any other person or groups, such other recipient, person or group shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out and assure its civil rights compliance obligations under the award.

J. Contact

For further information contact: Mr. Doyle A. Wood, Formula Grants and Technical Assistance Division, Office of Juvenile Justice and Delinquency Prevention, Law Enforcement Assistance Administration, Washington, DC 20531, (2) 724-7775.

[FR Doc. 80-5062 Filed 3-24-80; 8:45 am]
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Part V

Department of Labor

Office of the Secretary

Senior Community Service Employment Program; Proposed Guidelines
DEPARTMENT OF LABOR
Office of the Secretary of Labor
29 CFR Part 89
Senior Community Service Employment Program

AGENCY: Department of Labor.

ACTION: Proposed Rules.

SUMMARY: This document proposes revised rules for the Senior Community Service Employment Program (SCSEP) (42 U.S.C. 3056) under the Older Americans Act of 1965 (42 U.S.C. 3001, et seq.), hereinafter, the “Act.” The “Comprehensive Older Americans Act Amendments of 1976” (Pub. L. 95-476) redesignated Title IX of the Act as Title V and made certain other changes in the SCSEP. The purpose of this publication is to implement the “Comprehensive Older Americans Act Amendments of 1976” (Pub. L. 95-476) and to improve the program.

DATES: Comments on the proposed rulemaking are due on or before May 27, 1980.

ADDRESSES: Comments should be addressed to: Chief, Older Worker Work Group, Office of National Programs, Employment and Training Administration, U.S. Department of Labor, Room 6122, 601 B Street, NW, Washington, DC 20213.

FOR FURTHER INFORMATION CONTACT:
Paul A. Mayrand, telephone (202) 375-6232.

SUPPLEMENTARY INFORMATION:
Comprehensive regulations governing the Senior Community Service Employment Program were last published in the Federal Register on March 2, 1976. Since that time, funding and participants have grown nearly four-fold. The number of grantees is now nearly 12 times the number in 1976. Grants are now made both to units of government and private nonprofit organizations. Moreover, the Comprehensive Older Americans Act Amendments of 1976 (Pub. L. 95-476) revised and added some new provisions to the Senior Community Service Employment Program (42 U.S.C. 3056). These proposed regulations are based on Title V of the Older Americans Act of 1965, as amended; our experience with this program which has been thoroughly reviewed by the Adult Worker Work Group staff of the Employment and Training Administration; and the recommendations of a specially-formed project sponsors’ work group. Major changes proposed include a requirement for more cooperation among all project sponsors, an increase in the private or other unsubsidized placement goal to at least 15 percent, a reordering of the priorities for enrollment, a State residency requirement, a provision to allow projects to establish a time limitation on enrollment with written authorization from the Assistant Secretary, a stricter limitation on payment of Federal funds into a retirement fund for enrollees, and an increase to 75 percent of that share of Federal funds that must be used for wages and fringe benefits for enrollees. These and other changes of consequence are recounted in the Summary of Changes, where appropriate section references are also given. It is contemplated that, after the review and comment period, the final rules will be published as a part of Title 20 of the Code of Federal Regulations as part of the effort by the Employment and Training Administration to consolidate all rules for programs administered by it under one Title of the Code of Federal Regulations.

This proposed rulemaking implements requirements prescribed and/or authorized by Title V of the Older Americans Act, as amended. Based on the Department’s guidelines which implement Executive Order 12044 (44 Federal Register 5570, et seq., January 26, 1979), it is concluded that although the regulations are significant, they are not “major” requiring a regulatory analysis. That is, it is not likely that the changes made to these grant regulations will cause or result in a cost of $100 million or more in any one year for the national economy, nor any of the other effects identified for major regulations at 44 FR 5576.

SUMMARY OF CHANGES: Several section numbers are proposed to be changed and, in a few instances, changed section titles are proposed to reflect content more accurately. Significant proposed changes in the regulations as a result of amendments to the Act and the review of experience include:

In § 89.5, Allotment of Federal funds, language is proposed to define the Assistant Secretary’s review of the equitable distribution of community service employment authorized slots within a State, as required by Section 502(d)(2) of the Act, and language is proposed to establish conditions for the awarding of discretionary grants for the purpose of assuring transition of SCSEP enrollees to employment opportunities with private business concerns, as authorized in Section 506(a)(1)(B) of the Act.

In § 89.7, Submitting an application, language is proposed to make applicable to all SCSEP grant applications the procedures for grant application review and comment contained in Department regulations at 41 CFR 29-214-2.

In § 89.8, Application requirements, language is proposed to require grant applicants to explain the rationale for selecting the areas within a State that will be provided community service employment opportunities.

In § 89.17, Cooperative relationships, language is proposed to require a project sponsor to notify the appropriate State agency on aging of the location of a project 30 days before it is initiated, as required in Section 502(d)(1) of the Act. In addition, language is proposed to provide that when there is a lack of agreement on equitable distribution, the Assistant Secretary will review and decide as provided in Section 502(d)(2) of the Act and at § 89.5(d) of this part.

In § 89.19, Eligibility for enrollment in SCSEP, language is proposed to change a State residency requirement to require annual eligibility recertification for continuing enrollees. Annual recertification of enrollee eligibility, not heretofore required, is intended to assure that the maximum number of eligible individuals participate in accordance with Section 502(b)(1)(H) of the Act.

In § 89.20, Enrollment priorities, language is proposed which would give first priority for enrollment in work opportunities under SCSEP to persons 60 years old or older in accordance with Section 507(2) of the Act. Second priority would be accorded to persons seeking reenrollment because of extended illness or engaging in private or other unsubsidized employment. Within these priorities first consideration would be given to those persons who have the greatest economic need.

In § 89.21, Physical examinations, language is proposed to allow for a physical examination within 30 days prior to participating in training or employment, to require that no enrollee may remain in SCSEP more than 15 continuous months without a physical examination, and to allow for an examination waiver where an enrollee objects to such an examination. Physical examinations are intended as a service to participants and to comply with Section 502(b)(1)(J) of the Act which requires safe and healthy working conditions.

In § 89.25, Community service employment, language is proposed to make clear that the limit of 1,300 hours per year applies to the total number of paid hours for an individual enrollee, even though employment may be by more than one project sponsor, and to...
make clear that the limit of 1,300 hours includes any paid hours of sick leave, vacation, orientation, or training.

In § 89.29, "Training during community service employment and for other employment," language is proposed to permit, within time and cost limits stated, training that will result in a reasonable expectation of private or other unsubsidized employment.

In § 89.30, "Placement into private or other unsubsidized employment," the placement goal for project sponsors is proposed to be raised from the present 10 percent of community service employment authorized slots to 15 percent. Experience indicates a substantial number of project sponsors now meet this higher goal.

In § 89.33, "Enrollee fringe benefits," contribution of Federal funds into a retirement system or plan on the behalf of enrollees is proposed to be prohibited unless the project sponsor can demonstrate that such contribution bears a reasonable relationship to the cost of providing such benefits to enrollees and that there is a reasonable likelihood that enrollees will receive the value of such contributions. This change is being proposed in order to prevent the unnecessary expenditure of SCSEP funds for retirement benefits that will never be realized by enrollees.

In § 89.35, "Limitations on Federal funds," the amount of Federal funds required to be used for enrollee wages and fringe benefits is proposed to be raised from the present 70 percent to 75 percent. Experience indicates a substantial number of project sponsors already use 75 percent of Federal funds for enrollee wage and fringe benefits. This change will permit more participants.

In existing SCSEP regulations, Subparts D and E provide various administrative and procedural requirements and standards. In these proposed regulations, language is proposed for a revised Subpart D, Administrative Standards and Procedures for SCSEP Grants, which references the Department's uniform procedures set forth at 41 CFR Part 29-70, "Administrative Requirements Governing All Grants and Agreements by which Department of Labor Agencies Award Funds to State and Local Governments, Indian and Native American Entities, Public and Private Institutions of Higher Education and Hospitals, and Other Quasi-Public and Private Nonprofit Organizations." The proposed Subpart D, thus, provides all necessary administrative and procedural standards for all SCSEP grants.

This document was prepared under the direction of Paul A. Mayrand, Chief, Older Worker Work Group, Office of National Programs.

Accordingly, Title 29 of the Code of Federal Regulations, Part 69, is proposed to be amended and revised to read as follows:

PART 89—SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM

Subpart A—General

§ 89.1 Scope and purpose.
§ 89.2 Definitions.

Subpart B—Allotment and Award of Federal Funds

§ 89.3 Allotment of Federal funds.
§ 89.4 Soliciting applications for Federal funds.
§ 89.5 Submitting an application.
§ 89.6 Application requirements.
§ 89.7 Review.
§ 89.8 Rejection.
§ 89.9 Negotiation.
§ 89.10 Award of Federal funds.

Subpart C—Project Operations

§ 89.11 General.
§ 89.12 Basic responsibilities of the project sponsor.
§ 89.13 Cooperative relationships.
§ 89.14 Recruitment and selection.
§ 89.15 Eligibility for enrollment in SCSEP.
§ 89.16 Enrollment priorities.
§ 89.17 Physical examinations.
§ 89.18 Orientation.
§ 89.19 Assessment.
§ 89.20 Training in preparation for community service employment.
§ 89.21 Training during community service employment and for other employment.
§ 89.22 Enrollee supportive services.
§ 89.23 Enrollee transportation.
§ 89.24 Enrollee wage and fringe benefits.
§ 89.25 Duration of enrollment.
§ 89.26 Adverse actions against enrollees.
§ 89.27 Non-Federal status of enrollees.
§ 89.28 Nondiscrimination.
§ 89.29 Political patronage.
§ 89.30 Political activities.
§ 89.31 nepotism.
§ 89.32 Maintenance of effort.
§ 89.33 Sponsor share of the cost of the project.
§ 89.34 Limitations on Federal funds.
§ 89.35 Subproject agreements.

Subpart D—Administrative Standards and Procedures for SCSEP Grants

§ 89.36 General.
§ 89.37 Methods of payment.
§ 89.38 Cash depositories.
§ 89.39 Financial management standards.
§ 89.40 Bonding and insurance.
§ 89.41 Project income.
§ 89.42 Property management standards.
§ 89.43 Procurement standards.
§ 89.44 Matching share.
§ 89.45 Financial reporting requirements.
§ 89.46 Monitoring and reporting project performance requirements.
§ 89.47 Modification and budget revision procedures.
§ 89.48 Retention of records.
§ 89.49 Suspension and termination procedures.
§ 89.50 Grant closeout procedures.

Subpart E—Intergovernmental Agreements

§ 89.51 Administration.

Subpart F—Assessment and Evaluation

§ 89.52 General.
§ 89.53 Limitation.

Authority: Section 502(b)(2) of the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.), as amended.

Subpart A—General

§ 89.1 Scope and purpose.

(a) This Part 89 contains the regulations of the Department of Labor for the Senior Community Service Employment Program, which is authorized by Title V of the Older Americans Act of 1965 (42 U.S.C. 3058), as amended. The Senior Community Service Employment Program is designed to provide, foster, and promote useful part-time opportunities in community service employment for low-income persons who are 55 years of age or older and, to the extent feasible, to assist and promote the transition of program enrollees to private or other unsubsidized employment.

(b) Statutory authority for these regulations is in Section 502(b)(2) of Title V of the Older Americans Act of 1965 (42 U.S.C. 3058), as amended.

§ 89.2 Definitions.

The following definitions apply to all sections of this part:

"Act" means the Older Americans Act of 1965 (42 U.S.C. 3001) as amended.

"Assistant Secretary" means the Assistant Secretary of Labor for Employment and Training Administration or the Assistant Secretary's designee.

"Authorized slot" means an enrollment opportunity during a program year derived by dividing the total amount of funds allocated during a program year by the national average unit cost per enrollee for that program.
year. The national average unit cost includes all administrative costs, other than
enrollment costs, and enrollment wage and benefit costs. This procedure computes
the total number of authorized slots for each project agreement.

"Cash welfare payment" means public assistance through Federal, State, or
government cash payments for which eligibility is determined by a need
or income test.

"CETA" means the Comprehensive Employment and Training Act.

"Community service" means social, health, welfare, and educational
services, legal and other counseling services and assistance, including tax
counseling and assistance and financial counseling, and library, recreational,
and other similar services; conservation, maintenance or restoration of natural
resources; community betterment or beautification; antipollution and
environmental quality efforts; and other types of service which the Assistant
Secretary may include in a project agreement. It excludes building and
highway construction (except that which is normally performed by the project
sponsor) and work which inures primarily to the benefit of private, profit-
making organizations.

"Department" means the United
States Department of Labor and
includes each of its operating agencies
and other organizational units.

"Eligible organization" means an
organization which is legally capable of
receiving and using Federal funds under
the Act and entering into a project
agreement with the Assistant Secretary.
Eligible organizations are limited to:
(a) States and designated agencies of
States;
(b) Units of local government and
their agencies and combinations of such
units within a State;
(c) Public and private nonprofit
agencies and organizations other than
political parties;
(d) Federal establishments and
agencies; and
(e) Indian and Alaskan entities.

"Enrollee" means an individual who is
eligible, receives services, and is paid
wages for engaging in community
service employment under a project.

"Host agency" means a public agency
or a private nonprofit organization,
other than a political party, exempt from
taxation under the provisions of section
501(c)(3) of the Internal Revenue Code of
1954, which provides a work-site and
work supervision for an enrollee.

"Indian or Alaskan entity" means any
Indian tribe, band or group, or an
Alaskan native village or corporation
(not organized for profit) or a private
nonprofit Indian or Alaskan
organization.

"Local government" means a local
unit of government, including
specificially, a county, municipality, city,
town, township, local public authority,
special district, intrastate district,
council of governments, sponsor group
representative organization, and other
regional or interstate government entity,
and for the purposes of § 89.3 and
Subpart D of this part, includes any
agency or instrumentality of a local
government, except institutions of higher
education and hospitals.

"Low income" means, for purposes of
this part, an income which during the
preceding 6 months on an annualized
basis, does not exceed by more than 125
percent the poverty levels established
and periodically updated by the U.S.
Office of Management and Budget. In
addition, an individual who receives or
is a member of a family which receives
regular cash welfare payments shall be
deemed to have a low income for
purposes of this part.

"Project" means an undertaking by a
project sponsor pursuant to a project
agreement between the Assistant
Secretary and the project sponsor which
provides for the employment or eligible
individuals and the delivery of
associated services.

"Project agreement" means a legally
binding agreement in document form
which is a grant or other form of
agreement entered into between the
Assistant Secretary and an eligible
organization and which awards Federal
funds and provides for authorized
activities under Title V of the Act.

"Project sponsor" means an eligible
organization which has entered into a
project agreement with the Department.

"SCSEP" means Senior Community
Service Employment Program as
authorized under the Act.

"State agency or office" means that
sole State agency designated by the
State, in accordance with regulations of
the Commissioner on Aging, pursuant to
Section 305(a)(1) of the Act.

"Subproject agreement" means an
agreement entered into between a
project sponsor and an eligible
organization which provides for the
transfer of Federal funds to the eligible
organization for the purpose of carrying
out activities authorized in the project
agreement.

"Subproject sponsor" means an
eligible organization which has entered
into a subproject agreement with a
project sponsor.

"Temporary slot" means an
enrollment slot above and above
the authorized slot level made available
during a project year when a portion of
project funds is not being used due to
such factors as enrollee absenteeism,
attrition, or enrollees who work fewer
hours per week than planned.

Requirements for utilizing temporary
slots are provided in §§ 89.20(b) and
89.34 of these regulations.

Subpart B-Allotment and Award of
Federal Funds
§ 89.5 Allotment of Federal Funds.

(a) The Assistant Secretary shall allot
funds for projects in each State in
accordance with the distribution
requirements of Section 506 of Title V of the
Act.

(b) The Assistant Secretary may
reallocates funds from one State to
another State only as permitted in
Section 506(b) of Title V of the Act.

(c) The amount allotted for authorized
slots within a State shall be apportioned
among areas within the State in an
equitable manner, taking into
consideration the proportion which the
number of eligible persons in each area
bear to the total number of such
persons in that State and taking into
consideration the relative distribution of
eligible individuals residing in rural and
urban areas.

(d) The Assistant Secretary shall
review the distribution of authorized
slots under Title V of the Act within a
State, including the distribution between
rural and urban areas within the State.
The review shall be at the Assistant
Secretary's initiative, at the request of
any public or private nonprofit agency
operating or planning to operate a
project in the affected State, or at the
request of an agency of the affected
State. For each proposed reallocation of
authorized slots within a State, the
Assistant Secretary shall give notice
and opportunity for a hearing on the
record by all interested individuals and
make a written determination of the
findings and decision.

(e) From sums appropriated under
Title V of the Act, the Assistant
Secretary may reserve an amount not to
exceed 1 percent of the amount
appropriated in excess of the amount
appropriated for Fiscal Year 1979 for the
purpose of entering into agreements
under Section 502(e) of the Act designed
to assure the transition of individuals
employed in community service
employment to employment
opportunities with private business
concerns. The Assistant Secretary may
pay all costs of such agreements. Project
agreements under this paragraph shall
be made with eligible organizations
based upon factors such as proposing
the most efficient and effective methods
of transition to employment.
opportunities with private business concerns.

§ 89.6 Soliciting applications for Federal funds.

(a) The Assistant Secretary may, at any time, solicit or request eligible organizations to submit applications for funds. The Assistant Secretary may limit solicitation to organizations which are determined to have special or unique capabilities to undertake a project or which, under the Act, must receive special consideration in the award process.

(b) A solicitation for an application is not an assurance or commitment that an application will be approved for funding.

(c) In soliciting applications, the Assistant Secretary will specify project requirements to which the applicant must assure adherence as a condition for approval or acceptance. These requirements may include, but are not limited to:

1. The performance period of the project;
2. The amount of Federal funds to be awarded;
3. The geographic locations where community service employment authorized slots are to be provided;
4. The minimum required project sponsor contribution to the costs of the project; and
5. Performance goals, including the number of community service employment authorized slots to be established, the date or dates by which authorized slots are to be filled, and the number of placements to be achieved in private or other unsubsidized employment.

§ 89.7 Submitting an application.

(a) Before submitting an unsolicited application, eligible organizations should contact the Department for information concerning availability of funds and procedures involved in the preparation and submission of an application. Interested organizations may contact: U.S. Department of Labor, Employment and Training Administration, Office of National Programs, Washington, DC 20213.

(b) The State and areawide planning and development clearinghouse notification and review procedures set forth in Department regulations at 41 CFR 29-70.214-2 apply to all projects under this Part. Clearinghouse submission requirements vary among States. Applicants are responsible for being familiar with varying requirements and for complying with them. A preapplication for Federal Assistance (Standard Form 424) filed as a result of 41 CFR 29-70.214-2 shall contain an attachment which, as a minimum, lists the number of community service employment authorized slots planned in each city, county, or other appropriate jurisdiction within the affected State.

(c) The Assistant Secretary shall annually establish the date by which eligible organizations seeking funds under Title V of the Act shall submit completed grant applications.

§ 89.8 Application requirements.

(a) When the applicant is a Federal agency, State, any agency or instrumentality of a State, exclusive of institutions of higher education and hospitals, or a unit of local government, the application shall be prepared as prescribed in Department regulations at 41 CFR 29-70.214, "Applying for Federal Financial Assistance."

(b) When the applicant is an organization other than those described in paragraph (a) of this section, the application shall also conform to 41 CFR 29-70.214a, "Applying for Federal Financial Assistance—Special Requirements, Nonprofit Organizations."

(c) As a condition for approval an application for funds must indicate or contain the following:

1. The performance period of the project;
2. The project budget for both the Department's share and the applicant's share which accounts for planned expenditures by these cost categories: Administration, Enrollee Wages, Enrollee Fringe Benefits, and Other Enrollee Costs;
3. A description of the need for the project and its objectives;
4. Description of the results and benefits to be derived from the project, including benefits which will accrue to project enrollees and to the community or communities in which the project is to operate;
5. A description of the methods, procedures, and arrangements which will be used to carry out the following project functions:

(i) Recruitment and selection of enrollees;
(ii) Physical examinations for enrollees;
(iii) Initial income and place of residence certification and schedule for annual recertification for continued eligibility;
(iv) Orientation of enrollees;
(v) Orientation of host agencies and arrangements for enrollee supervision;
(vi) Assessment of enrollees' aptitudes, skills and occupational preferences for community service employment;
(vii) Training of enrollees in preparation for engaging in community service employment;
(viii) Development of community service employment jobs and assignment of enrollees to those jobs;
(ix) Training, if any, of enrollees during community service employment;
(x) Training, if any, of enrollees to assist enrollees to transition to private or other unsubsidized employment;
(xi) Supportive services to enrollees;
(xii) Job development and related efforts to place enrollees into unsubsidized employment;
(xiii) Schedule for follow-up on former enrollees placed in private or other unsubsidized employment.

(d) A detailed description of the applicant's procedures for hearing and resolving complaints that may arise between the applicant and an enrollee or an individual applying for enrollment. Such procedures shall include an opportunity for an informal conference and prompt determination of issues. Such procedures shall also include a written notice setting forth the grounds for an adverse action proposed by the applicant and an opportunity for a response by the individual applying for enrollment or the enrollee. Such procedures shall also include informing the enrollee or the individual applying for enrollment that, if the complaint is not resolved at the project sponsor level, a review of the project sponsor's actions and determinations by the Assistant Secretary may be requested.

(2) Quantitative performance goals, including:

(i) The number of authorized slots to be established;
(ii) The date or dates by which authorized slots are to be filled; and
(iii) The number of placements to be achieved in private or other unsubsidized employment.

(e) A description of the steps to be taken by the applicant to evaluate project performance in light of anticipated results and benefits;

(f) A description of the applicant's compliance with § 89.17 of this part:

(1) A description of and justification for those activities, if any, to be carried out under subproject agreements;

(ii) The specific geographic location or locations by city, county, or other appropriate jurisdiction of project activity, and, in cases of multi-State projects, an additional State-by-State breakout of funds budgeted and number of community service employment authorized slots planned;

(2) The rationale used by the applicant to determine locations of proposed community service...
employment authorized slots within a State by cities, counties, or other appropriate jurisdictions;

(13) The applicant staff structure, including brief position descriptions for nonsecretarial and nonclerical staff;

(14) A description of the arrangements or agreements made with any labor organization; and

(15) A description of the applicant's methods of ensuring equitable participation of groups described in paragraph (c) of § 89.8 of this part, of ensuring nondiscrimination and equal opportunities as required in § 89.37 of this part, and when determined necessary, of establishing and implementing an affirmative action plan.

(16) When the applicant is an organization other than an eligible entity of government, a description of the structure of the organization, a description of the bonding and insurance arrangements required in the Department's grant regulations at 41 CFR 29-70.202a, and a statement by a Certified Public Accountant attesting to the adequacy of the applicant's financial management system.

§ 89.9 Review.

(a) The Assistant Secretary will review and consider for approval each application which is submitted by an eligible organization.

(b) In reviewing and considering an application, the Assistant Secretary will determine whether:

(1) Funds are available for the proposed project;

(2) The application demonstrates compliance with the requirements of the Act, and the regulations in this part;

(3) The application is complete and has been prepared in accordance with the instructions of the Department; and

(4) The application demonstrates that effective use will be made of funds.

(c) The Assistant Secretary shall approve the solicited application for a project for a geographical area which is determined to best meet the standards set forth in (b) above; except that the Assistant Secretary may negotiate with applicants as set forth at § 89.31 of this part.

§ 89.10 Rejection.

(a) When an application is not approved, the Assistant Secretary will notify the applicant in writing and state the reason or reasons for rejection.

(b) Rejection of a proposal or application is final agency action and is not subject to further administrative review.

(c) A rejection will not affect the consideration of any future application submitted by an eligible organization.

§ 89.11 Negotiation.

(a) The Assistant Secretary may negotiate with an eligible organization to arrive at a project agreement if the application generally meets the requirements for approval set forth in § 89.9 of this part.

(b) The subjects of negotiation may include, but are not limited to:

(1) Project components, including planned occupational categories for SCSEP employment and the location of authorized slots;

(2) Subproject sponsors, if any;

(3) Funding level, including all budget line items; and

(4) Performance goals.

(c) The Assistant Secretary may reject any proposed project component if it is determined that the component will not serve the purposes of the Act.

(d) The Assistant Secretary may, if negotiation does not produce a mutually acceptable conclusion, reject the application. In this event, the Assistant Secretary will provide written notification in accordance with the procedures for rejection of an application as set forth in § 89.10 of this part.

(e) If the Assistant Secretary rejects an application as set forth in paragraph (d), the Assistant Secretary may solicit applications from other eligible organizations in order to arrive at a project agreement.

§ 89.12 Award of Federal funds.

(a) The Assistant Secretary may, if an application assures an agreement which is advantageous, approve the application and award funds without negotiation.

(b) The Assistant Secretary may also approve an application as revised during negotiation.

(c) Award of funds will be accomplished through the execution of a project agreement prepared by the Department.

(d) When the applicant is a unit of State or local government, or a nonprofit organization, public or private, the Assistant Secretary shall use a grant agreement to implement the project and award funds.

(e) When the applicant is a unit of the Federal government other than the Department of Labor, the Assistant Secretary shall use an interagency agreement, in document form, to implement the project and award funds.

Subpart C—Project Operations

§ 89.15 General.

(a) This Subpart C states the basic standards which shall be followed by all project sponsors receiving funds under Title V of the Act.

(b) The basic purpose of a project, as outlined in this subpart, is to provide benefits to the enrollees and to the communities in which they work:

(1) Benefits accruing to eligible persons who enroll in the Senior Community Service Employment Program: The basic purpose of a project shall be to provide eligible enrollees with the benefits resulting from part-time community service employment, appropriate related supportive services, and, to the extent feasible, the benefits resulting from assistance in obtaining private or other unsubsidized employment. Specifically, benefits and services provided enrollees shall include:

(i) Wages and fringe benefits;

(ii) A continued sense of personal value arising from involvement in worthwhile work and participation in the life of the community;

(iii) The acquisition, revitalization or continuation of specific job skills through short-term training in preparation for community service employment and continued training during community service employment;

(iv) A yearly physical examination except when the examination is waived by an applicant or an enrollee as provided for in § 89.21(c) of this part.

(v) Assistance with personal and job-related problems through counseling and referral to human service agencies;

(vi) Provision of important consumer-related information in areas such as Social Security benefits, income tax requirements, nutrition, and personal health;

(vii) The acquisition and upgrading of job-seeking skills and other skills designed to enhance the prospects of transition to private or other unsubsidized employment; and

(viii) For as many enrollees as feasible, transition to private or other unsubsidized employment as a result of community service employment work experience, training, job development or other efforts.

(2) Benefits to communities: Projects shall provide the community or communities in which they operate with additional dimensions of skills and aptitudes which can be drawn upon to improve and upgrade existing human services or to establish new human service efforts. Enrollees shall not displace already employed workers or provide services or perform work.
assignments that inure mainly to the benefit of private profit-making organizations or that involve highway construction. Project sponsors shall design community service employment work assignments which, to the extent feasible, respond to the enrollee's aptitudes and preferences and enhance the enrollee's prospects of obtaining private or other unsubsidized employment, thus placing more persons 55 years of age or older into the private work force at self-sustaining wage levels while creating opportunities to serve more individuals through useful community service employment assignments. Community service employment shall enable communities to enhance or establish human service activities that could not normally be enhanced or established with existing community resources.

§ 89.16 Basic responsibilities of the project sponsor.

The Department will hold the project sponsor responsible for: (a) Following and enforcing the requirements set forth in the Act, and regulations promulgated under the Act;

(b) Implementing and carrying out the project in accordance with the provisions of the project agreement; and

(c) Assuring that the project enrolls and serves equitably minorities, Indians, individuals who are of limited English proficiency, women, and handicapped individuals.

§ 89.17 Cooperative relationships.

Each project sponsor shall, to the maximum extent feasible, cooperate with each other project sponsor operating or planning to operate a project in the same State.

(a) Objectives of cooperation shall include but not be limited to:

(1) Equitable distribution of community service employment authorized slots among cities, counties, or other appropriate areas in accordance with § 89.5(c) of this part; and

(2) Selection of community service employment occupational categories to provide a variety of work opportunities for enrollees and to produce the most benefits to the community.

(b) Each project sponsor shall, to the extent feasible, establish and maintain cooperative relationships and working linkages with:

(i) Employment and training agencies and, in particular, with agencies operating programs through the Department, including State employment security agencies, CETA prime sponsors, and State employment and training services councils; and

(ii) State and area agencies on aging and other programs and projects being conducted under the Act.

(2) Each project sponsor is encouraged to cooperate with other agencies whose cooperation would enhance project success.

(c) Whenever a national organization or other project sponsor plans to conduct a project or projects within a State, that organization or project sponsor shall submit to the State agency on aging for review and comment a description of such planned project or projects to be conducted in the State, including the location of the project, 30 days prior to the effective date of the project agreement authorizing that project. In areas where there is lack of agreement following mutual efforts at cooperation, differences shall be resolved by the Assistant Secretary as provided in § 89.5(d) of this part.

§ 89.18 Recruitment and selection.

Each project sponsor shall recruit and select eligible individuals in sufficient numbers to fill promptly and keep filled to the extent feasible all authorized slots. All vacancies for enrollees shall be listed with an appropriate office of the State employment security agency. Recruitment efforts shall be so designed as to assure equitable participation of groups listed in § 89.16(c) of this part.

§ 89.19 Eligibility for enrollment in SCSEP.

(a) General. Eligibility criteria set forth in this section apply to all SCSEP applicants and enrollees. Each project sponsor is responsible for assuring and documenting the eligibility of each enrollee.

(b) Eligibility criteria. To be eligible for initial enrollment, reenrollment, or certification for continued enrollment, each individual shall meet the criteria for age, place of residence except for certification for continued enrollment, capacity to perform, and income. These are:

(1) Age. Each individual must be no less than 55 years of age. No person shall be determined ineligible solely because of advanced age, and no upper age limit shall be imposed for continued enrollment.

(2) Place of residence. Each individual must have a place of residence in the State in which the project sponsor is authorized to operate the project. For the purpose of defining place of residence for this paragraph, the term place of residence shall mean an individual's permanent dwelling place at the time of enrollment. In determining whether a particular place is an individual's permanent dwelling place, the intention of the individual is the key element. No requirement pertaining to length of residency prior to enrollment in a project shall be imposed.

(3) Capacity to perform. Each individual must be determined capable of performing the tasks involved in the community service employment assignment proposed during enrollment. Project sponsors are responsible for assuring that the required personal information reported by individuals appears reasonably reliable and consistent.

(2) Further, each project sponsor shall require each determination [preferably on the same form used for intake or application purposes in the case of a prospective enrollee and on a termination form in the case of an enrollee] by either indicating the date, the name and title of the project official who made the determination (with the official's written signature), and the grounds for any unfavorable determination.

(3) Each project sponsor shall recertify the income of each enrollee at least once each year between July 1 and June 30, according to the schedule set forth in the project agreement. Enrollees found to be ineligible for continued enrollment because of income shall be given immediate written notice that enrollment
will be terminated 30 days after the notice. Project sponsors shall be responsible for assuring that ineligible enrollees are terminated at the end of this 30-day period.

(4) If at any time the project sponsor discovers that an individual was incorrectly determined to be eligible as a direct result of false information knowingly given by that individual, the individual's enrollment shall be terminated immediately and the project sponsor shall notify the Assistant Secretary.

(5) If at any time the project sponsor determines that an individual was incorrectly determined to be eligible through no fault of the individual, the project sponsor shall give immediate written notice that enrollment will be terminated 30 days after the notice. Project sponsors shall be responsible for assuring that ineligible enrollees are terminated at the end of this 30-day period.

(6) If a project sponsor makes an unfavorable determination on continued eligibility, the sponsor shall explain in writing to the enrollee the reason or reasons for the determination. The project sponsor shall inform each individual affected by an unfavorable determination that the determination may be appealed pursuant to §89.31(b) of this part.

(7) If a project sponsor makes an unfavorable determination of enrollment eligibility pursuant to paragraphs (d)(3), (d)(5), and (d)(6) of this section, the project sponsor shall assure that the individual is referred to other sources of assistance, such as potential private or other unsubsidized employment, housing, and medical expenses.

§ 89.21 Physical examinations.

(a) In order to ensure that enrollees are not assigned to work that will endanger their health or safety, except as provided in paragraph (c) of this section:

(1) Each individual selected for enrollment shall have a physical examination no more than 30 days prior to participating in training or community service employment under the project and

(2) Each enrollee shall have an additional physical examination at least once each year while engaging in community service employment. No enrollee may participate in community service employment for more than 15 continuous months without a physical examination.

(b) Project sponsors shall also conduct orientation sessions for host agencies and particularly for those individuals who will supervise enrollees to assure that enrollees will receive adequate supervision, treatment similar to that accorded non-enrollees engaged in similar duties, and opportunities for transitioning to the host agency staff or other private or unsubsidized employment, where possible.

§ 89.23 Assessment.

(a) Project sponsors shall assess each new enrollee to determine the most suitable SCSEP assignment for the individual. The assessment shall be made in consultation with the new enrollee and shall consider the individual's:

(1) Preference of occupational category;

(2) Work history;

(3) Skills;

(4) Aptitudes;

(5) Capacity to perform proposed community service employment duties; and

(6) Potential for transition to private or other unsubsidized employment.

(b) Project sponsors shall take specific steps to develop for each individual a community service employment assignment that will be personally rewarding and permit the most effective use of the enrollee's skills and aptitudes.

(c) The project sponsor shall make periodic assessments, no less frequently than once each year, to determine the enrollee's potential for transition to private or other unsubsidized employment.

(d) The assessments required by this section shall be documented and be a part of the enrollee's permanent record.

§ 89.24 Training in preparation for community service employment.

(a) Project sponsors may provide new enrollees with job-related training prior to and as preparation for their actual community service employment under the project. This training may be delivered through lectures, seminars,
classroom instruction, or other arrangements including but not limited to arrangements with prime sponsors under CETA. Project sponsors are encouraged to obtain training services through locally available resources, including host agencies, at no cost or reduced cost to the project.

(b) Training in preparation for community service employment, combined with time spent in orientation, shall be completed by the fourth week of the individual's enrollment, except when extended periods are specifically authorized in the project agreement or authorized in writing by the Department of Labor.

(c) Project sponsors shall enroll each individual in the project prior to orientation and training in preparation for community service employment under the project and shall pay such enrollees at no less than the Federal or State minimum wage, whichever is higher.

§ 89.25 Community service employment.

(a) As soon as possible after the completion of an enrollee's orientation and training, if any, the project sponsor shall assign the enrollee to useful part-time community service employment. A community service employment assignment may be:

(1) Developed by or in consultation with a qualifying host agency and supervised by the host agency; or
(2) Created and supervised by the project sponsor or subproject sponsor.

(b) Hours of community service employment. (1) Community service employment provided by a project sponsor or project sponsors under the Act shall not exceed 1,300 hours, including paid hours of orientation, training, sick leave and vacation, during the 12-month period beginning with the date of enrollment or the yearly anniversary date of enrollment. The limit of 1,300 hours per 12-month period shall apply to each individual enrollee even though the total hours provided may be provided by more than one project sponsor.

(2) Project sponsors shall not require an enrollee to work more than 20 hours during one week.

(3) Each enrollee shall be offered an average of no fewer than 20 hours of paid participation per week. Shorter periods may be specifically authorized by the project agreement, or in writing by the Department of Labor, or by written agreement between an enrollee and a project sponsor.

(4) The project sponsor shall, to the extent possible, ensure that enrollees work during normal business hours if they so desire.

(c) Location. Enrollees shall be employed at worksites in or near the communities where they reside.

(d) Work assignments. Enrollees may be employed in projects or at facilities which involve community services such as social, health, welfare and educational services, legal and other counseling services, including tax assistance and financial counseling, library, recreational, and other similar services; conservation, maintenance or restoration of natural resources; community betterment or beautification; environmental quality efforts; and other services which are not only essential and necessary to the community, but which benefit the enrollees in terms of their assessed aptitudes and preferences as described in § 89.23 of these regulations and enhance their potential for transition into private or other unsubsidized employment; except that (1) enrollees shall not be employed in projects involving the construction, operation or maintenance of any facility used as a place for sectarian religious instruction or worship, and (2) enrollees shall not be assigned work involving the building and construction of highways or work which inures primarily to the benefit of private, profit-making organizations. Project sponsors shall give demonstrable emphasis to work assignments which involve activities delivering direct services to the low-income elderly and the elderly in general and which deliver direct services to the economically disadvantaged. Furthermore, project sponsors shall, to the extent feasible, give enrollees first consideration for work assignments involving the operation of the project.

(e) Supervision. Project sponsors shall ensure that host agencies provide adequate orientation and instruction to enrollees regarding job responsibilities and job safety. Project sponsors shall ensure that enrollees receive at least the same level of supervision as regular employees performing similar jobs for the project sponsor, subproject sponsor or host agency. Where an enrollee has been assigned to a host agency, the project sponsor or its agent shall make periodic visits to the enrollee's job site to determine that host agency supervision is adequate, that the enrollee's job duties and hours are consistent with the requirements of this section, that the enrollee's work performance is satisfactory, and to assess the enrollee's potential for transition to private or other unsubsidized employment.

§ 89.26 Training during community service employment and for other employment.

(a) Project sponsors are encouraged to provide enrollees with continued training during community service employment under the project. This training, when conducted, should be concerned mainly with teaching and upgrading job skills to enable enrollees to make the most effective use of their talents and abilities. Training may also provide jobseeking skills in preparation for unsubsidized employment and consumer information in such areas as Social Security benefits, personal health, nutrition, tax requirements, and retirement laws. Such training may be delivered through lectures, seminars, classroom instruction, or through other arrangements. Project sponsors are encouraged to seek and obtain such training services through locally available resources, including host agencies and CETA prime sponsors, at no cost or at reduced cost to the project.

(b) Such training shall be conducted during normal working hours or in lieu of normal working hours. Time spent by an enrollee in such training is enrollment under the project and shall be paid at the enrollee's established rate of pay.

(c) The amount of time spent by an enrollee in such training shall be reasonable and consistent with the enrollee's work assignment. It is recognized that certain work assignments may require considerable and continuous training or technical instruction. For this reason, no arbitrary time limitation for training is imposed on an individual enrollee. However, project sponsors shall not schedule training for an enrollee which exceeds 20 percent of the total enrollee hours to be worked during the project year without prior written approval from the Assistant Secretary.

(d) Project sponsors able to identify useful training that will result in a reasonable expectation of private or other unsubsidized employment may provide such training, provided that the time limit on total training set forth in paragraph (c) of this section is observed and provided that tuition or any other training-related costs are (1) sought from other sources, and (2) charged to the cost category of Other Enrollee Costs if paid from project funds.

§ 89.27 Enrollee supportive services.

(a) Project sponsors shall provide job-related and personal counseling to enrollees to assist them in successfully participating in community service employment and, where appropriate, to prepare them for private or other
unsubsidized employment. This assistance shall be readily available to enrollees and, as a minimum, shall provide referral to capable local public or private nonprofit service agencies.

(b) If necessary for successful participation and if not available from other sources, project sponsors may provide incidentals. Examples of items that may be provided include but are not limited to: work shoes, badges, uniforms, safety glasses, eye glasses, and hand tools.

(c) Enrollees engaging in training may be reimbursed at reasonable rates described in the project agreement for the cost of travel and room and board necessary to engage in training.

§ 89.28 Enrollee transportation.

(a) Project sponsors, prior to expanding project funds for enrollee transportation, must first seek enrollee transportation from other sources at no cost to the project. Project sponsors may make arrangements and expend project funds for transportation of enrollees, provided that the transportation is: (1) In the direct performance of employment or employment-related activities, or (2) to and from worksites. Such transportation shall be from central pick-up points or along established routes through car pools or through other forms of group transportation.

(b) When enrollee transportation is provided by privately-owned automobile, reimbursement shall not exceed the mileage rate currently in effect for Department of Labor staff.

§ 89.29 Placement into private or other unsubsidized employment.

(a) Project sponsors shall continually work to transition enrollees into private or other unsubsidized employment, thereby creating opportunities for additional persons to enroll in and benefit from community service employment.

(b) Project sponsors shall have as a goal the placement in private or other unsubsidized employment the number of enrollees which equals at least 15 percent of the number of community service employment authorized slots enumerated in the project agreement.

(c) In pursuing this goal, project sponsors are encouraged to: (1) Seek the assistance of the appropriate office of the State employment security agency and local employment and training programs and agencies, including CETA prime sponsors, in identifying unsubsidized job openings, training opportunities, or other job-seeking assistance the agencies are capable of providing;

(2) Encourage host agencies to employ enrollees in their regular work force; and

(3) Contact private and public employers directly to develop or identify suitable job openings.

(d) Project sponsors shall follow up on enrollees who are placed into unsubsidized employment or into a job training program and shall document such followup at least twice during the first 3 months after placement. Followup should be provided as often as necessary to assist in successful participation in unsubsidized employment. Former enrollees who are subsequently discovered to be unemployed are entitled to reenrollment consideration provided that they meet the eligibility criteria as set forth in § 89.13 of this part.

§ 89.30 Duration of enrollment.

No time limitation on enrollment may be established or used within any project except when specifically authorized in writing by the Assistant Secretary.

§ 89.31 Adverse actions against enrollees.

(a) Each project sponsor shall establish and describe in the project agreement, as required in § 89.6(c)(6) of this part, Application requirements, procedures for resolving complaints arising between the project sponsor and an enrollee or an individual applying for enrollment.

(b) If a complaint cannot be resolved within 60 days as a result of the project sponsor's procedures, the enrollee or individual applying for enrollment may request a review by the Assistant Secretary of the project sponsor's actions and determinations.

(c) Complaints alleging discrimination on the basis of race, color, religion, sex, national origin, handicap, or age (except when age is a valid consideration under §§ 89.19 and 89.20 of this part) which are not resolved as a result of the project sponsor's procedures, may be filed with the Director, Office of Investigation and Compliance, Employment and Training Administration, U.S. Department of Labor, Washington, D.C. 20213. Such complaints shall be handled in accordance with the procedures at 29 CFR Part 31 and any amendments thereto. When a complaint which has not been resolved as a result of the project sponsor's procedures alleges both discrimination and other violations, those portions of the complaint alleging discrimination shall be handled by the Director of the Office of Investigation and Compliance under the procedures at 29 CFR Part 31; those portions of the complaint alleging other violations shall be subject to paragraph (b) of this section, provided that any hearings and adjudications may be joined.

§ 89.32 Enrollee wages.

(a) While engaged in orientation or training in preparation for community service employment, enrollees shall be paid no less than the Federal or State minimum wage, whichever is higher.

(b) Upon engaging in part-time community service employment under the project, enrollees shall receive wages at a rate no less than the highest of the following:

(1) The minimum wage under Section 6(a)(1) of the Fair Labor Standards Act of 1938;

(2) The State or local minimum wage for that employment or the most nearly comparable employment covered under the State or local minimum wage law; or

(3) The prevailing rate of pay for persons employed in similar public occupations by the project sponsor, the subproject sponsor, or the host agency, as appropriate.

§ 89.33 Enrollee fringe benefits.

(a) Within a project or subproject, fringe benefits shall be administered uniformly to all enrollees, including enrollees in temporary slots.

(b) Project sponsors shall ensure that enrollees receive all fringe benefits required by law.

(c) Where enrollees are not covered by the State Worker's Compensation Law, the project sponsor shall provide enrollees with worker's compensation benefits equal to that provided by law for covered employment.

(d) The project sponsor shall ensure that enrollees in jobs which are covered by the State Unemployment Insurance laws participate in the State Unemployment Insurance program.

(e) The following fringe benefits shall be allowable provided they are administered uniformly to all enrollees within a project or subproject and conform to the established policy of the project sponsor or subproject sponsor for regular employees:

(1) Annual leave;

(2) Sick leave;

(3) Holidays;

(4) Health insurance; and

(5) Any other fringe benefit provided pursuant to the established policy of the project sponsor or subproject sponsor for regular employees, except as limited by paragraph (f) of this section.

(f) Expenditures of Federal funds for contributions into a retirement system or plan is prohibited unless the project sponsor can demonstrate that:

(1) Such contributions bear a reasonable relationship to the cost of providing such benefits to enrollees; and
The enrollees are reasonably likely to receive the value of such contributions because such contributions vest at the time they are made on behalf of the enrollees; or

(ii) The retirement system or plan is of a "defined benefit" type (a system or plan under which a specified benefit is promised employees at retirement) and a separate actuarial determination has been made that there is a reasonable likelihood the enrollees will actually receive benefits as a result of the contribution.

§ 89.34 Temporary slots.

Where a portion of project funds is not being used as a result of enrollee absenteism, attrition, or enrollees who work fewer hours per week than planned, the project sponsor may use these funds during the period of the project agreement to enroll additional eligible individuals in temporary slots. The number of temporary slots may not, without the written approval of the Department, exceed 20 percent of the total number of authorized slots established under the project agreement. In no case may payments to enrollees in temporary slots exceed the amount of the unused funds available. Each individual enrolled in a temporary slot must be informed in writing that the employment is of a temporary nature and may be terminated. Project sponsors shall give enrollees in temporary slots first consideration for enrollment in authorized slots when they become available as required in §89.20(b) of this part, which deals with enrollment priorities. Project sponsors shall judiciously seek to prevent large numbers of terminations at the completion of a project period.

§ 89.35 Working conditions for enrollees.

No enrollee may be permitted to work in buildings or surroundings or under conditions which are unsanitary, hazardous or dangerous to the enrollee's health or safety.

§ 89.36 Non-Federal status of enrollees.

Enrollees who are employed in any project funded under the Act are not Federal employees as a result of such employment.

§ 89.37 Nondiscrimination.

(a) No person shall on the grounds of race, color, religion, sex, national origin, handicap, or age (except where age is a valid consideration under §§ 89.19 and 89.20 of this part), be excluded from participation in, be denied the benefits of, or be subjected to discrimination in connection with any program or activity funded in whole or in part with funds made available under Title V of the Act. Project sponsors shall comply with the Department of Labor's nondiscrimination requirements at 29 CFR Part 31 and any amendments thereto.

(b) The project sponsor shall be responsible for assuring that no discrimination prohibited by this section occurs in any project for which it has responsibility and shall establish an effective mechanism for this purpose. Any project sponsor which has been determined by the Department of Labor or another Federal, State, or local government agency to have discriminated in its SCSEP project, shall take affirmative action to overcome the effects of that discrimination. Other project sponsors are also encouraged to undertake affirmative action in order to increase the participation of previously underrepresented groups.

(c) Each project agreement made pursuant to the Act shall contain an assurance signed by the project sponsor concerning nondiscrimination in all activities undertaken with funds from the Act.

§ 89.38 Political patronage.

(a) No project sponsor or subproject sponsor may select, reject, or promote an enrollee based on that individual's political affiliation or beliefs. The selection or advancement of enrollees as a reward for political services or as a form of political patronage, whether or not the political service or patronage is partisan in nature, is prohibited.

(b) There shall be no selection of subproject sponsors or host agencies based on political affiliation.

§ 89.39 Political activities.

(a) No project under the Act may involve political activities.

(1) No enrollee may engage in partisan or nonpartisan political activities during hours for which the enrollee is paid with SCSEP funds.

(2) No enrollee may, at any time, engage in partisan political activities in which such enrollee represents himself/herself as a spokesperson of the SCSEP project.

(b) For purposes of this section: (1) The term "immediate family" means wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, and stepchild.

(ii) The retirement system or plan under which a specified benefit is promised employees at retirement) and a separate actuarial determination has been made that there is a reasonable likelihood the enrollees will actually receive benefits as a result of the contribution.

(ii) Where positions are technically in such office, but are actually program activities not in any way involved in political functions, documentation attesting to the nonpolitical nature of the positions is to be provided to the Assistant Secretary for approval prior to enrollment of enrollees in such positions.

§ 89.40 Nepotism.

(a) No project or subproject sponsor or host agency may hire a person in an administrative capacity, staff position, or community service employment slot funded under the Act if a member of that person's immediate family is engaged in an administrative capacity for that project or subproject sponsor or host agency.

(b) For purposes of this section: (1) The term "immediate family" means wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, and stepchild.

(2) The term "person in an administrative capacity" includes those persons who in the administration of projects, subprojects or host agencies have responsibility for or authority over those responsible for the selection of projects; and
§ 89.41 Maintenance of effort.
(a) Employment of enrollees funded under the Act shall be only in addition to employment which would otherwise be funded by the project sponsor, the subproject sponsor, and the local host agencies without assistance under the Act.
(b) Projects funded under the Act:
(1) Shall result in an increase in employment opportunities over those which would otherwise be available;
(2) May not result in the displacement of currently employed workers, including partial displacement such as a reduction in hours of non-overtime work, wages, or employment benefits;
(3) May not impair existing contracts for service or result in the substitution of Federal funds for other funds in connection with work that would otherwise be performed;
(4) May not substitute project jobs for existing federally-assisted jobs; and
(5) May not employ or continue to employ any enrollee to perform work the same or substantially the same as that performed by any other person who is on layoff.

§ 89.42 Sponsor share of the cost of the project.
The Assistant Secretary will pay not more than 90 percent of the cost of any project which is the subject of an agreement entered into under this Part, except that the Assistant Secretary is authorized to pay all of the costs of any such project which is (a) an emergency or disaster project, (b) a project located in an economically depressed area as determined in consultation with the Secretary of Commerce and the Director of the Community Services Administration, or (c) a project permitted under Section 502(e) of the Act.

§ 89.43 Limitations on Federal funds.
(a) No more than 15 percent of the Federal funds provided to a project sponsor under the Act may be expended for administrative costs. Administrative costs include, but are not limited to salaries, wages and fringe benefits for project administrators and staff; costs of consumable office supplies used by project staff; costs incurred in the development, preparation, presentation, management and evaluation of the project; the costs of establishing and maintaining accounting and management information systems; costs incurred in the establishment and maintenance of advisory councils; travel of project administrators; rent, utilities, custodial services and indirect costs allowable to the project; training of staff and technical assistance to subproject sponsor staff; costs of equipment and material for use by staff and enrollees performing staff functions; and audit services. Project sponsors may lower these costs by assigning enrollees in the administration of the project provided that the other provisions of these regulations are met. In such event, enrollee wage and fringe benefit costs shall be charged to the cost category of Enrollee Wages and Fringe Benefits. However, the costs of travel, supplies or related costs incurred by enrollees which, if incurred by a project staff member, would be charged to the cost category of Administration or the cost category of Other Enrollee Costs, shall be charged to the category of Administration or Other Enrollee Costs, as appropriate.
(b) No less than 75 percent of the Federal funds provided to a project sponsor under the Act may be expended for enrollee wages and fringe benefits. Enrollee wages are the wages paid to enrollees for their hours of community service employment, as defined in §§ 89.25(b)(1) and 89.32 of this part; enrollee fringe benefits as defined in § 89.33 of this part.
(c) Federal funds provided a project sponsor under the Act which are not budgeted or expended for the cost categories of Administration or Enrollee Wages and Fringe Benefits may be budgeted and expended for the cost category of Other Enrollee Costs including, but not limited to:
(1) Physical examinations for enrollees as provided for in § 89.21 of this part;
(2) Orientation of enrollees and host agencies as provided in § 89.22 of this part;
(3) Assessment of enrollees for participation in community service employment and for possible transition to private or other unsubsidized employment as provided in § 89.23 of this part;
(4) Training of enrollees as provided in §§ 89.24 and 89.26 of this part;
(5) The development of community service employment assignments as provided in § 89.25 of this part;
(6) Providing supportive services and materials as provided in § 89.27 of this part;
(7) Providing enrollee transportation as provided in § 89.28 of this part; and
(8) Developing private or other unsubsidized jobs to which enrollees will transition as provided in § 89.29 of this part.
(d) No Federal funds provided to a project sponsor under the Act may be expended directly or indirectly for the purchase, erection or repair of any building except for:
(1) Minor remodeling of a public building necessary to make it suitable for use by project administrators;
(2) Minor repair and rehabilitation of publicly used facilities for the general benefit of the community; and
(3) Minor repair and rehabilitation of low-income housing. For purposes of this paragraph, low-income housing means a dwelling which is occupied by an individual or a family with a low income as defined in § 89.2 of this part and which is owned by the occupant, or is publicly owned, or is owned by a private nonprofit organization.
(e) Within the limitations stated in paragraphs (a) through (d) of this section, no Federal project funds may be expended for purposes other than those permitted by the applicable Federal cost principles which are set forth at 41 CFR 29-70.103.

§ 89.44 Subproject agreements.
(a) Project sponsors may award project funds and enter into agreements with other organizations to implement subprojects only if specifically authorized to do so by the project agreement.
(b) Project sponsors may enter into subproject agreements only with eligible organizations as defined in § 89.2 of this Part.
(c) Subproject agreements may not provide for any activity past the completion date of the project agreement.
(d) Project sponsors shall be held directly responsible for the performance and manner of performance of all activity implemented under subproject agreements.

Subpart D—Administrative Standards and Procedures for SCSEP Grants

§ 89.50 General.
(a) This Subpart D describes Federal requirements relating to the administration of grants by project sponsors of Senior Community Service Employment Program projects under Title V of the Act.
(b) As referenced in this Subpart, the requirements set forth at 41 CFR Part 29-70, "Administrative Requirements Governing All Grants and Agreements By Which Department of Labor Agencies Award Funds to State and Local Governments, Indian and Native American Entities, Public and Private Institutions of Higher Education and Hospitals, and Other Quasi-Public and Private Nonprofit Organizations," shall apply to grants (except for the
administration of interagency agreements as set forth at § 89.70) under Title V of the Older Americans Act of 1965, as amended.

(1) The requirements at 41 CFR 29–70.1 set forth the policies which apply to all grants.

(2) The requirements at 41 CFR 29–70.2 implement Office of Management and Budget Circulars A–102 and A–110, and apply to all SCSEP grants and agreements.

§ 89.51 Methods of payment.

Payments will be made to all project sponsors according to provisions of 41 CFR 29–70.210, "Grant or Agreement Payment Requirements."

§ 89.52 Cash depositories.

The standards covering the use of banks and other institutions as depositories for SCSEP funds shall be those set forth at 41 CFR 29–70.201, "Cash Depositories."

§ 89.53 Financial management standards.

Each project sponsor shall establish and maintain a financial management system which meets the standards set forth at 41 CFR 29–70.207, "Standards for Grantee Financial Management Systems." These systems will include audit procedures in conformance with 41 CFR 29–70.207–4, "Federal and Non-Federal Audit Requirements."

§ 89.54 Bonding and insurance.

Each project sponsor shall comply with bonding and insurance requirements set forth at 41 CFR 29–70.202, "Bonding and Insurance."

§ 89.55 Project income.

All income realized as a result of SCSEP activities shall be subject to the provisions of 41 CFR 29–70.205, "Program Income and Interest Earned."

§ 89.56 Property management standards.

Property management standards for project sponsors are those set forth at 41 CFR 29–70.215, "Property Management Standards."

§ 89.57 Procurement standards.

Procurement standards for project sponsors are those set forth at 41 CFR 29–70.216, "Procurement Standards, Required Provisions for Recipient Contracts." For purposes of this Part, "procurement" does not include the award of subproject agreements described in § 89.44 of this part.

§ 89.58 Matching share.

The criteria and procedures for evaluating and determining the allowability of cash and in-kind contributions by project sponsors to satisfy the 10 percent matching requirements are those described at 41 CFR 29–70.206, "Matching Share."

§ 89.59 Financial reporting requirements.

Each project sponsor shall submit to the Department those financial reports described at 41 CFR 29–70.206, "Financial Reporting Requirements."

§ 89.60 Monitoring and reporting project performance requirements.

(a) Each project sponsor shall monitor and report project performance as required at 41 CFR 29–70.206, "Monitoring and Reporting of Program Performance."

(b) Each project sponsor shall periodically submit a Senior Community Service Employment Program Quarterly Progress Report (QPR). This report shall be prepared to coincide with the ending dates for Federal fiscal year quarters and shall be submitted to the Department no later than 30 days after the end of the quarterly reporting period. If the grant period ends on a date other than the last day of a Federal fiscal year quarter, a final report covering the entire grant period shall be submitted no later than 30 days after the ending date. The Department will provide specific instructions for the preparation of this report. The QPR shall provide:

1. Enrollment level, enrollment turnover and placements into private or other unsubsidized employment;
2. The allocation of authorized slots among specific community service areas;
3. The characteristics of enrollees by race, color, sex, national origin, age, handicap, education, veteran status, and income;
4. The average wage paid enrollees; and
5. A brief narrative account of significant project accomplishments and problem areas.

§ 89.61 Modification and budget revision procedures.

Modifications to SCSEP project agreements and revisions of SCSEP project budgets shall be in accordance with 41 CFR 29–70.211, "Modifications and Budget Revision Procedures."

§ 89.62 Retention of records.

Each project sponsor shall be responsible for all records, documents and files required under these regulations. Retention of and access to those records, reports, documents, and files shall be as provided at 41 CFR 29–70.203, "Retention of and Custodial Requirements for Records."

§ 89.63 Suspension and termination procedures.

(a) Suspension of a project agreement is an action by the Assistant Secretary which temporarily suspends Federal Assistance under the agreement pending corrective action by the project sponsor or pending a decision by the Assistant secretary to terminate the agreement. In the event that the Assistant Secretary determines that a project sponsor has failed to comply with stipulations, standards, or conditions of the project agreement, the Assistant Secretary may, on reasonable notice to the project sponsor, suspend the agreement and withhold further payments, or prohibit the project sponsor from incurring additional obligations against Federal funds pending corrective action or a decision to terminate in accordance with paragraph (b)(1) of this section. The Assistant Secretary may allow all necessary and proper costs which could not reasonably be avoided during the period of suspension provided that the costs meet the provisions of applicable cost principles.

(b) The termination of an agreement is the cancellation of Federal assistance, in whole or in part, under an agreement at any time prior to the completion date. An agreement may be terminated under the following conditions:

1. The Assistant Secretary may terminate any agreement, in whole or in part, at any time prior to the date of completion whenever it is determined that the project sponsor has failed to comply with the conditions of the agreement. The Assistant Secretary will promptly notify the project sponsor in writing of the determination and the reasons for the termination, together with the effective date.

2. An agreement may be terminated in whole or in part when both the project sponsor and the Assistant Secretary agree that the continuation of the project will not produce beneficial results commensurate with the further expenditure of funds. The two parties shall agree upon the termination conditions, including the effective date and, in the case of partial terminations, the portion to be terminated. The project sponsor shall not incur new obligations for the terminated portion after the effective date and shall cancel as many outstanding obligations as possible. The assistant Secretary will allow full credit to the project sponsor for the Federal share of the noncancellable obligations properly incurred by the project sponsor prior to terminations.

§ 89.64 Grant closeout procedures.

(a) Subsequent to the completion date of the project agreement, the grant must
be closed out. Grant closeout is the process by which the Department determines that all required administrative actions and all required grant work have been completed by the project sponsor and the Department. The Department will notify each project sponsor of the procedures involved in the closeout of the grant. These procedures include:

(1) If grant payments are made on a letter of credit, the Department will notify the project sponsor that the letter of credit is to be cancelled and that following cancellation, any further payments under the grant will be made by treasury check upon submission and approval of the required payment requests.

(2) Upon receipt and approval of the necessary requests, the Department will make prompt payment to the project sponsor for allowable costs under the grant being closed out.

(3) Upon the Department's request, the project sponsor shall immediately refund any unencumbered balance of cash drawn down from the letter of credit or advanced by Treasury check.

(4) Within 90 days after the project agreement completion date or on a date set by the Department, the project sponsor shall submit the following financial and inventory reports:

(a) A final Financial Status Report;
(b) A copy of the final Senior Community Service Employment Program Quarterly Progress Report;
(c) The Grantee's Assignment of Refunds, Rebates, and Credits;
(d) Bank Statement or Financial Account;
(e) Cancellation or Adjustment of Fidelity Bond;
(f) A list of possible claimants, if any, for unclaimed checks cancelled or payment stopped;
(g) Grant Closeout Tax Certification;
(h) Government Property Inventory; and
(i) Inventory Certificate.

(5) Within 90 days after the completion date, or on a date set by the Department, the project sponsor shall submit a Grantee's Release form.

(6) After receipt of the documents and final reports described in paragraphs (a)(4) and (a)(5) of this section, the Department will make settlement for any upward or downward adjustment to the Federal share of costs.

(7) In the event a final audit has not been performed prior to closeout of the grant, the Department retains the right to recover disallowed costs, if any, resulting from the final audit.

Subpart E—Interagency Agreements

§ 89.70 Administration.

(a) The Assistant Secretary will require other Federal establishments which receive and use funds under the Act to submit financial reports and project progress reports. However, the Assistant Secretary will not require these reports to be submitted more frequently than quarterly.

(b) The Assistant Secretary will require other Federal establishments which receive and use funds under the Act to maintain the standard records on individual enrollees and enrollee activities.

(c) In all aspects of project administration other than those described in paragraphs (a) and (b) of this section, Federal establishments which receive and use funds under the Act may use their normal administrative procedures.

Subpart F—Assessment and Evaluation

§ 89.80 General.

The Department will assess project sponsors to determine whether they are carrying out the purposes and provisions of the Act in accordance with their project agreements. The Assistant Secretary will also evaluate the overall program conducted under the Act to aid in the overall administration of the Act.

§ 89.81 Limitation.

The Assistant Secretary shall not, in arranging for the assessment of the project sponsors or the evaluation of the overall program under the Act, use for such assessment or evaluation any nongovernmental individual, institution, or organization which is associated with any project sponsor under the Act as a consultant, technical advisor, or in any similar capacity.

Signed at Washington, D.C., this 18th day of March 1980.

Ray Marshall,
Secretary of Labor.
Reader Aids

INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by calling 202-523-8840.

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202-523-5022 Washington, D.C.
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213-688-6994 Los Angeles, Calif.
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523-5237 Corrections
523-5215 Public Inspection Desk
523-5227 Index and Finding Aids
523-5235 Public Briefings: "How To Use the Federal Register."

Code of Federal Regulations (CFR):

523-3419
523-3517
523-5227 Index and Finding Aids

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Public Laws:

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275-3030 Slip Law Orders [GPO]

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523-5239 TTY for the Deaf
523-3408 Automation
523-4534 Special Projects
523-3517 Privacy Act Compilation

FEDERAL REGISTER PAGES AND DATES, MARCH

13721-14000
14001-14198
14199-14530
14531-14830
14831-15176
15171-15502
15503-15918
15919-16158
16159-16440
16441-16994
16995-17122
17123-17564
17565-17939
17937-18364
18365-18900
18901-19208
19209-19542

Federal Register

Vol. 45, No. 59

Tuesday, March 25, 1980

CFR PARTS AFFECTED DURING MARCH

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR
415........................17125
416........................17125
Proposed Rules:
Ch. I........................15163

3 CFR
11476 (Amended by EO 12196)........................16932
11835 (See EO 12196)........................16932
12201 (See EO 12196)........................16932
12154 (Amended by EO 12196)........................16441
12165 (Amended by EO 12200)........................16443
12197........................16932
12198........................16932
12199........................16932
12200........................16441
12201........................17123
12202........................17941
Proclamations:
4723........................14001
4729........................14003
4730........................14831
4731........................15503
4732........................16159
4733........................16181
4734........................16163
4735........................18453
4736........................18997
4737........................17941
4738........................16801
4739........................16803

7 CFR
11476 (Amended by EO 12196)........................16932
11835 (See EO 12196)........................16932
12201 (See EO 12196)........................16932
12154 (Amended by EO 12196)........................16441
12165 (Amended by EO 12200)........................16443
12197........................16932
12198........................16932
12199........................16932
12200........................16441
12201........................17123
12202........................17941
Proclamations:
4723........................14001
4729........................14003
4730........................14831
4731........................15503
4732........................16159
4733........................16181
4734........................16163
4735........................18453
4736........................18997
4737........................17941
4738........................16801
4739........................16803

Administrative Orders:
No. 73-10 (Amended by Presidential Determination No. 80-12 of March 3, 1980)........................16995
No. 73-10 (Amended by Presidential Determination No. 80-14 of March 13, 1980)........................19211
No. 80-12 of March 3, 1980........................16995
No. 80-13 of March 10, 1980........................19209
No. 80-14 of March 13, 1980........................19211

4 CFR
403........................13721
404........................13721
Proposed Rules:
21........................16940
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.)

<table>
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<th>Monday</th>
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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. Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

REMINDERS

The "reminders" below identify documents that appeared in issues of the Federal Register 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Rules Going Into Effect Today

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
Office of Assistant Secretary for Housing—Federal Housing Commissioner—
13059 2-28-80 / Use of Materials Bulletin No. 77a for cast iron sanitary drainage system with hubless pipe and fittings

NUCLEAR REGULATORY COMMISSION
68184 11-28-79 / Physical protection upgrade rules
[Corrected at 45 FR 10328, 2-15-80]

PERSONNEL MANAGEMENT OFFICE
6114 1-25-80 / Training regulations

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing March 21, 1980
# CODE OF FEDERAL REGULATIONS
(Revised as of January 1, 1980)

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A Cumulative checklist of CFR issuances for 1979 appears in the back of the first issue of the Federal Register each month in the Reader Aids section. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected).

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